

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – Second Regular Session

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2-22-16

COMMITTEE ON COMMERCE

Report of Regular Meeting  
Wednesday, February 17, 2016  
House Hearing Room 1 -- 9:00 a.m.

**Convened** 9:07 a.m.  
**Recessed** 11:09 a.m.  
**Reconvened** 11:20 a.m.  
**Recessed** 1:44 p.m.  
**Reconvened** 4:06 p.m.  
**Adjourned** 4:29 p.m.

**Members Present**

Mr. Espinoza  
Mr. Lawrence  
Ms. Mach  
Ms. Plumlee  
Mr. Rivero  
Mr. Shope  
Mrs. Norgaard, Vice-Chairman  
Mr. Petersen, Chairman

**Members Absent**

**Agenda**

Original Agenda – Attachment 1

**Request to Speak**

Report – Attachment 2

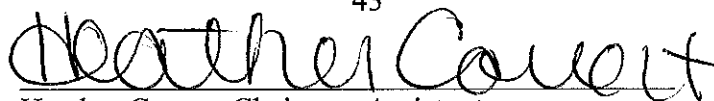
**Presentations**

| <b><u>Name</u></b> | <b><u>Organization</u></b> | <b><u>Attachments (Handouts)</u></b> |
|--------------------|----------------------------|--------------------------------------|
|--------------------|----------------------------|--------------------------------------|

**Committee Action**

| <b><u>Bill</u></b> | <b><u>Action</u></b> | <b><u>Vote</u></b> | <b><u>Attachments</u><br/>(Summaries,<br/>Amendments, Roll Call,<br/>Attendance)</b> |
|--------------------|----------------------|--------------------|--|
| HB2690             | DP                   | 6-2-0-0            | 3, 4   |
| HB2666             | DPA                  | 6-2-0-0            | 5, 6, 7, 8   |
| HB2523             | FAILED               | 2-6-0-0            | 9, 10, 11, 12, 13, 14  |
| HB2613             | DPA                  | 5-3-0-0            | 15, 16, 17, 18, 19, 20   |
| HB2215             | DPA S/E              | 5-2-0-1            | 21, 22, 23   |
| HB2191             | DPA S/E              | 5-2-0-1            | 24, 25, 26   |
| HB2222             | DPA                  | 8-0-0-0            | 27, 28, 29   |
| HB2652             | DP                   | 7-1-0-0            | 30, 31   |

|                      |      |         |            |
|----------------------|------|---------|------------|
| HB2259               | DPA  | 5-3-0-0 | 32, 33, 34 |
| HB2148               | HELD |         | 35, 36     |
| HB2232               | HELD |         | 37, 38     |
| HB2513               | HELD |         | 39, 40     |
| HB2646               | HELD |         | 41, 42     |
| Committee Attendance |      |         | 43         |



Heather Covert, Chairman Assistant

February 19, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

REVISED #2 - 02/15/16

REVISED #2 - 02/15/16

REVISED #2 - 02/15/16

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

**COMMITTEE ON COMMERCE**

Conv: 9:07 AM  
REC: 11:09 AM  
Recon: 11:20 AM  
REC: 1:44 PM  
RECM: 4:06 PM  
Adj: 4:29 PM

DATE Wednesday, February 17, 2016

ROOM HHR 1

TIME 9:00 A.M. NOTE TIME  
CHANGE  
9:30 A.M.

Members:

Mr. Espinoza  
Mr. Lawrence  
Ms. Mach

Ms. Plumlee  
Mr. Rivero  
Mr. Shope

Mrs. Norgaard, Vice-Chairman  
Mr. Petersen, Chairman

| Bills   | Short Title  | Strike Everything Title  |
|---------|--|--|
| HB2148  | <u>HELD</u> minimum wage; nonmonetary compensation.<br>(Fann)<br>COM held 0-0-0-0-0, RULES                                       |  |
| HB2191  | <u>DPA S/E</u> real estate; fund; prosecutor<br>(Finchem, Lawrence: Allen J, et al)<br><u>5-2-0-1</u> COM, RULES                 | S/E: employee scheduling; preemption                           |
| HB2222  | <u>DPA</u> employment security; omnibus<br>(Fann)<br><u>8-0-0-0</u> COM, RULES   |  |
| *HB2232 | <u>HELD</u> job training fund; lottery revenues<br>(Bolding, Andrade, Espinoza, et al)<br>COM disc/held 0-0-0-0-0, APPROP, RULES | S/E: condominiums; planned communities;<br>association actions |
| HB2259  | <u>DPA</u> mobile home removal; licensure; noncompliance<br>(Brophy McGee)<br><u>5-3-0-0</u> COM, RULES                          |  |
| HB2613  | <u>DPA</u> regulatory boards; licensing; revisions<br>(Petersen, Allen J, Weninger, et al)<br><u>5-3-0-0</u> COM, RULES          |  |

| Bills  | Short Title  | Strike Everything Title |
|--------|--|-------------------------|
| HB2652 | <u>DP</u> independent contractors; criteria<br>(Norgaard: Boyer, Coleman, et al) |                         |
|        | <u>7-1-0-0</u> COM, RULES  |                         |
| HB2690 | <u>DP</u> pawnbroker licensure; DPS<br>(Gowan)                                   |                         |
|        | <u>6-2-0-0</u> COM, RULES  |                         |

### ADDENDUM #1 - 02/11/16

\*HB2523 Failed contact lenses; prescriptions.  
(Carter: Petersen)

2-6-0-0 COM held 0-0-0-0-0, RULES

### ADDENDUM #2 - 02/15/16

|        |  |   |
|--------|--|---|
| HB2215 | <u>DPA S/E</u> trade or commerce; technical correction<br>(Kern)           | S/E: alcohol; directors duties; surcharge reports |
|        | <u>5-2-0-1</u> COM, RULES  |   |
| HB2646 | <u>HELD</u> film and media production; commission<br>(Montenegro)          |   |
|        | COM, RULES   |   |
| HB2666 | <u>DPA</u> governor's economic opportunity office; consolidation<br>(Fann) |   |
|        | <u>6-2-0-0</u> COM, APPROP, RULES  |   |

### ADDENDUM #3 - 02/15/16

HB2513 HELD condominiums; exterior changes; approval  
(Rivero: Gray, Lesko)

COM, RULES

\* On previous agenda

### ORDER OF BILLS TO BE SET BY THE CHAIRMAN

HC  
2/11/16  
2/15/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

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*House Commerce (2/17/2016)*

## **HB2191, real estate; fund; prosecutor**

### **Support:**

Michelle Ahlmer, AZ RETAILERS ASSN; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Marcus Dell'Artino, ARIZONA LODGING AND TOURISM ASSOCIATION; Courtney Gilstrap LeVinus, Arizona Multihousing Association; Chianne Hower, AZ RESTAURANT AND HOSPITALITY ASSN; Trish Hart, AZ FOOD MARKETING ALLIANCE; Aimee Rigler, AZ FREE ENTERPRISE CLUB

### **All Comments:**

Farrell Quinlan, NATIONAL FEDERATION OF INDEPENDENT BUSINESS: NFIB favors adoption of the strike-everything amendment regarding state preemption of predictive employee scheduling rules.; Marcus Dell'Artino, ARIZONA LODGING AND TOURISM ASSOCIATION: for striker amendment; Trish Hart, AZ FOOD MARKETING ALLIANCE: We Support the strike everything amendment to Hb 2191

## **HB2222, employment security; omnibus**

### **Support:**

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Eric Emmert, East Valley Chambers Of Commerce Alliance

### **Neutral:**

ellen katz, William E. Morris Institute For Justice; ellen katz, William E. Morris Institute For Justice

### **All Comments:**

ellen katz, William E. Morris Institute For Justice: We talked with DES. UI statute needs to be changed for the job search document requirements but the current bill makes it worse. The appeals board change needs to be clarified so that the one appeals board member review is all that is removed; ellen katz, William E. Morris Institute For Justice: Talked to DES. The job search documentation is confusing and should be revised but the current changes make things worse. The appeals board review must be clear that DES is only eliminating the individual appeal board member review.

## **HB2259, mobile home removal; licensure; noncompliance**

### **Testified in support:**

Janna Day, MANUFACTURED HOUSING COMMUNITIES OF AZ INC

**Neutral:**

Dana Paschke, AAMHO; John MacDonald, Arizona Association Of Manufactured Home Owners

**Oppose:**

ellen katz, William E. Morris Institute For Justice

**All Comments:**

ellen katz, William E. Morris Institute For Justice: The criminal sanction should be removed. If there is a true trespass, the issue can be dealt with under current civil or other statutes.; Dana Paschke, AAMHO: AAMHO has concerns with the current bill version, but proponents have indicated they will offer a floor amendment to address those concerns.

**HB2613, regulatory boards; licensing; revisions****Testified as opposed:**

Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION; Robert Shuler, Arizona Chapter Of The American Society Of Landscape Architects; aaron allan, representing self; jeffrey velasquez, representing self; Karen Cesare, representing self; Craig Coronato, representing self; Stephen Noel, representing self; Shelly Tunis, Attorney, YUMA FRESH VEGETABLE ASSOCIATION; Stephen Nutt, representing self; Paula Wheeler, representing self; Jeremy Browning, LICENSED & REGISTERED ASSAYERS OF ARIZONA; Tiana Rasmussen, representing self

**Support:**

Nan Nicoll, representing self; Karen Mackean, representing self; Bryan Lee Briggs, representing self; Jered Skousen, representing self; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self; Greg Chimel, representing self; Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Tom Jenney, AMERICANS FOR PROSPERITY AZ; Thomas Galvin, representing self; Rene Guillen, AZ GOVERNOR'S OFFICE; Bill Fathauer, Arizona Department Of Transportation; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Kent Bultemeier, representing self

**Neutral:**

Laurie White, representing self; Alison Snyder, Athletic Training Educator, representing self; Randall Cohen, representing self; Susan Cannata, Arizona Athletic Trainers Association; Rick Ball, representing self; Tom Dorn, HDR Engineering

**Oppose:**

Jeff Engelmann, representing self; Galen Drake, representing self; Jonathan Robertson, representing self; Aliza Sabin, representing self; Thomas Snyder, representing self; Alexandra Blandford, representing self; Vincent Bruno, representing self; Andrea Pedersen, representing self; Drew Aquilina, representing self; David Case, representing self; Tim Daugherty, representing self; Courtney Carroll, representing self; Gina Griffiths, representing self; James Coffman, representing self; John Glenn, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS; Robert Pankonin, representing self; Dan Lare, representing self; robert burgheimer, representing self; John Mangum, AZ PRIVATE SCHOOL ASSOCIATION; Steve Judge, representing self; Tina Litteral, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS; Don Isaacson, American Council Of Engineering Companies Of Arizona; Steve Lohide, representing self; Clinton Woelzlein, representing self; Amanda Gray, Arizona Petroleum Marketers Association; Mary Estes, representing self; David Martin, Arizona Chapter Associated General Contractors; Homer Blossom, representing self; Darren Hunt, representing self; Karla Hunt, representing self; Rod Stanger, representing self; James Hann, representing

self; Ann Eisentraut, representing self; Cena Orem, representing self; Ellen Alster, representing self; Brad Novacek, representing self; Judy Mielke, representing self; Michelle Madsen, representing self; David Hewitt, representing self; alba rodriguez, representing self; Deborah Garner, representing self; Zachary Kiebke, representing self; Ted Littlefield, representing self; Adam Hawkins, representing self; Kristian Kelley, representing self; Stephen Nutt, representing self; Leroy Brady, representing self; David Highfield, representing self; Shane Hanneman, representing self; Rebecca Ewan, representing self; Joe Ewan, representing self; David Casselbury, representing self; Kurt Montei, representing self; Andrew Fleetwood, representing self; John Gilmore, representing self; Christopher Jones, representing self; Andy Baron, representing self; Francie Baron, representing self; Jay Hicks, representing self; tom durant, representing self; lauren smith, representing self; Brian Hefenieder, representing self; Brandon Sobiech, representing self; Alex Fish, representing self; Chad Atterbury, representing self; Chris Szabo, representing self; Jim Beckman, representing self; Justin Chadwick, representing self; Eva Zambrano, representing self; Anna Chen, representing self; Keith Jankovsky, representing self; Allyce Hargrove, representing self; Millie Evidente, representing self; Yuri Lechuga-Robles, representing self; Tim Bukovszky, representing self; Cristal Castro, representing self; Nathaniel Kirby, representing self; Todor Spasov, representing self; Cesar Del Castillo Horta, representing self; Luz Wallace, representing self; Tanner Christensen, representing self; Troy Hansen, representing self; Charles Sachetta, representing self; Jose Quintero, representing self; Aaron Henderickson, representing self; Ryan Schwarzer, representing self; Francisco Rosales, representing self; Christy Bushman, representing self; Chelsea McCaw, representing self; Abdiel Ruiz, representing self; vincent chung, representing self; John Seth Placko, representing self; Colin Hanson, representing self; Roger Socha, representing self; Jessica Hines, representing self; Alisha Hubbell, representing self; Abby Wang, representing self; Todd Briggs, representing self; Andy Su, representing self; Bethany Johannessen, representing self; Emily Brozewicz, representing self; Brett Anderson, representing self; Aaron Hillman, representing self; Spencer McNab, representing self; Scott Heffernan, representing self; Matt Drager, representing self; Trevor Sears, representing self; Zachary Watson, representing self; James roche, representing self; Matthew Johnson, representing self; Gunwoo Kim, representing self; Edward Lorden, representing self; Ashley Watson, representing self; greg flanagan, representing self; Maxwell Ditzler, representing self; Kim Kleski, representing self; Trish Hart, AZ FUNERAL, CEMETERY & CREMATION ASSOCIATION; Craig Barton, representing self; Philip Horton, representing self; Selina Villalobos, representing self; Ivan Ramirez, representing self; David Firchow, representing self; Samantha Rodriguez, representing self; Adam Perillo, representing self; Amanda Clayton, representing self; jeramy beals, representing self; Matthew Miller, representing self; victor soudani, representing self; Paul Coseo, representing self; Kimberly Rodriguez, representing self; Aurielio Lopez, representing self; Cheryl Goar, AZ NURSERY ASSOCIATION; Genevra Richardson, American Institute Of Professional Geologists - AZ Section; Laura Paty, representing self; Doug Bartlett, representing self; Valerie Ahjong, representing self; Richard Jones, representing self; Nastassia Wenderlich, representing self; Thomas Neely, representing self; Frank Nejd, representing self; Gary Burchard, representing self; Evan Yatabe, representing self; Shelby Boos, representing self; Mike Faulkner, representing self; Janice Bedford-Hughes, representing self; Jim Fallon, representing self; Paul Turner, representing self; Luis Avila, representing self; Kenneth Brooks, representing self; Kellie Hutson, representing self; Jacqueline Day, representing self; Molly Collins, representing self; Steven Brady, representing self; Dawn Garcia, representing self; David Lowell, representing self; Jed Douglas, representing self; Donald Earnest, representing self; Leo Leonhart, representing self; Ernest Craig Rees, representing self; Amanda Rusing, Arizona Planning Association; Ed Trosper, representing self; Jeremy Gniffke, representing self; Marilyn DeRosa, representing self; Andrew Messer, representing self; Karol Wolf, representing self; Jeffrey Hess, representing self; Marc Moncilovich, representing self; Samantha Roberts, representing self; Robert Hammond, representing self; Tom Smith, representing self; Sabrina Perez, representing self; Allan Schappert, representing self; Joseph Cain, representing self; William Greenslade, representing self; Jersy DePonty, representing self; Daniel Weber, representing self; Todd Keay, representing self; James Walker, representing self; Ron Evan Paul, representing self; Andrew Scott, representing self; Scott McNulty, representing self; Steven

Kaminski, representing self; Mason Bolitho, representing self; Allen Shaw, representing self; Raymond Roessel, representing self; Karen Herther, representing self; Lantz Indergard, representing self; Martin Rex, representing self; Michele Nelson, representing self; Barb Murphy, representing self; Megan Zivic, representing self; Chris J. Courtney, representing self; Gregg Mitchell, representing self; Amy Wolkowinsky, representing self; William Victor, representing self; Patty Luttrell, representing self; Tim Thompson, representing self; Clay Kilmer, representing self; Gretchen Erwin, representing self; Patricia Hartshorne, representing self; Gerald Shiller, representing self; Bruce Kay, representing self; Jamie Kennealy, representing self; Rob Balcells, representing self; Wayne Harrison, representing self; Robert Harding, representing self; Michael Hilstrom, representing self; Mike Hulst, representing self; Paul Plato, representing self; Diane Love, representing self; John Pekala, representing self; Daniel Hart, representing self; Julie Wright, representing self; Mary Ohren, representing self; Juliet McKenna, representing self; Dennis Hall, representing self; Melanie Lindsey, representing self; Ryan Toomey, representing self; Eric Muehlberger, representing self; Robert Mongrain, representing self; Kate Helm, representing self; Brett McClellan, representing self; Steve Smelser, representing self; Victoria Hermosilla, representing self; Daniel Sola, representing self; Lori Bartlett, representing self; Montgomery Higgins, representing self; Stephen Johnson, representing self; James Clarke, representing self; Kenneth Ferguson, representing self; Katy Brantingham, representing self; Ric Morgan, representing self; Harry Parker, representing self; J Graydon Martz, representing self; Charles Lee Morris, representing self; Ken Euge, representing self; John E Villinski, representing self; Mike Roche, representing self; Bill Goodman, representing self; Marek Lodej, representing self; David Goodrich, representing self; Joe Loverich, representing self; Jeff Brown, representing self; Peter Stang, representing self; Charles Reeter, representing self; Steve Maslansky, representing self; Bryon Baden, representing self; Timothy Leo, representing self; Timothy Rheinschmidt, representing self; Mark Cross, representing self; Gary Walter, representing self; Chris Osterman, representing self; Ryan Mitchell, representing self; Christopher Brooks, representing self; Martin Steinpress, representing self; Mark Murphy, representing self; Tony Potucek, representing self; Alex Yiannakakis, representing self; Lisa Dirth, representing self; Joseph Manduke, representing self; C. Tyler Irwin, representing self; Abra Bentley, representing self; David Wrzosek, representing self; Clay Spencer, representing self; Steve Woodhull, representing self; Keith Scoular, representing self; Alison Jones, representing self; Michael Young, representing self; James Norris, representing self; Rochelle Destrampe, representing self; David Brown, representing self; Michael S. Johnson, representing self; William Greenslade, representing self; Danny Sims, representing self; Geoffrey Moss, representing self; Carl A. Kuehn, representing self; Brian Beck, representing self; Matthew Schmidt, representing self; Jesse Laurie, representing self; Peter Mock, representing self; Jeffrey Menken, representing self; Thomas C Deane, representing self; David Wahl, representing self; Thomas R. Suriano, representing self; Pancho Garza, representing self; David Pence, representing self; Benjamin Ciampa, representing self; William Spitz, representing self; Alex Potter, representing self; Kenneth Hamilton, representing self; Jon Fuller, representing self; Russell Granfors, representing self; Katherine Roxlo, representing self; Tracy Hillman, representing self; T. Jefferson Shanks, representing self; Alvin Burch, representing self; Jon Foruria, representing self; Kenneth Robinson, representing self; Rick Smith, representing self; Todd Moody, representing self; Lee Amoroso, representing self; Michael Kaczmarek, representing self; Mark Kazelskis, representing self; Gwyn Rhys-Evans, representing self; James M Haslett, representing self; Andy Coulam, representing self; Steven Vaughn, representing self; Douglas Santo, representing self; Richard Kent, representing self; Phyllis Rettke, representing self; George Polman, representing self; Gary Hix, representing self; Ryan Shafer, representing self; Elizabeth Zima, representing self; Gabriel Campos, representing self; Michael Block, representing self; Lawrence Phillips, representing self; Randall L. Whitlock, representing self; Walter Crone, representing self; Malerie Gamboa, representing self; Philip Douglas Folk, representing self; Barbara Murphy, representing self; Justin Azevedo, representing self; Mark Fountain, representing self; Hunter Rand, representing self; Melvin Colebank, representing self; Claire Hinchman, representing self; Thaumass Ehr, representing self; Lisa Cummings, representing self; Ken Paulson, representing self; Michael Preston Green, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS; Martin Minter, representing self; Harry

Cooper, representing self; Lauren Handley, representing self; Dirk DeWitt, representing self; Marc Lange, representing self; christopher mckibben, representing self; Jason Satterly, representing self; Beth Gross, representing self; Jeff Denzak, representing self; Kirk Kiser, representing self; Claudia Garcia, representing self; mark lymer, representing self; Edward Corral, representing self; chris winters, representing self; Tonantzin Candanedo, representing self; Aderson Vieira, representing self; Judy Gausman, representing self; Brian Sager, representing self; john hucko, representing self; Jim Lemmon, representing self

## All Comments:

Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION: The Board opposes the deregulation of the geologists and landscape architects as well as moving it under ADOA; Jonathan Robertson, Self: Oppose HB2613 with language eliminating Landscape Architects from state licensing. Adversely affects the publics health, safety and welfare.; jeffrey velasquez, Self: I am in opposition to HB2613.; Aliza Sabin, Self: Against deregulation of registration requirements for landscape architects and geologists.; Thomas Snyder, Self: I am opposed to HB 2613 to Deregulate Landscape Architects in the state of Arizona.; Alexandra Blandford, Self: Representing the American Society of Landscape Architects ASU chapter.?Opposed to the deregulation of Landscape Architecture.; Vincent Bruno, Self: Against deregulation of landscape architecture & geologist registration.; Karen Cesare, Self: Landscape Architects are licensed to protect public health, safety and welfare. All 50 states regulate this profession. Removal of licensure in AZ will expose the public to risks.; Andrea Pedersen, Self: I am against de-regulating landscape architects - designers of public open spaces. Licensure protects public health, safety and welfare in AZ by verifying licensees pass a national competence test. I see no benefit to the state to pass this bill.; Drew Aquilina, Self: This is not a good for public safety. Landscape Architects are very important in the design process for public safety; David Case, Self: I oppose HB2613 as it seeks to deregulate the profession of Landscape Architecture and remove the Health, Safety and Welfare benefits they provide to the residents of the State of Arizona.; Tim Daugherty, Self: I oppose the deregulation of Landscape Architecture in the state of Arizona. We would be the only state in the US to enact this irresponsible legislation. It would jeopardize the health, safety and welfare of our residents. NO on HB2613.; Courtney Carroll, Self: I am opposed to the bill deregulating landscape Architecture licensure as it would jeopardize the health, welfare and safety of citizens in Arizona. This also has a negative impact on our local economy.; Craig Coronato, Self: I am opposed to HB 2613 because deregulation of the landscape architecture profession is a significant threat to the health, safety and welfare of Arizona residents and visitors. There is no national registration or certification as the bill asserts.; Robert Pankonin, Self: I am a registered Landscape Architect with the State of Arizona for the last +/-13 years and oppose HB 2613. The health, safety and welfare of the public is not protected if anyone is allowed to practice the profession without the proper training.; Dan Lare, Self: This bill does not protect the health, safety and welfare of our citizens.; robert burgheimer, Self: This bill does not improve the safety, welfare and health of the public; John Mangum, AZ PRIVATE SCHOOL ASSOCIATION: Against 6-page Petersen amendment; Steve Judge, Self: The SAAGA group, representing the 6,000+ Arizona Architects, opposes HB2613. State recognized professions are statutorily charged with the rights and responsibilities of protecting the health, safety and welfare of the public.; Tina Litteral, AZ AIA AMERICAN INSTITUTE OF ARCHITECTS: We are opposed to the deregulation of landscape architects and geologists and the move of the BTR to DOA.; Clinton Woelzlein, Self: I am strongly opposed to this bill; Homer Blossom, Self: Passing of this bill jeopardizes the health, safety and welfare of the general public by allowing un-licensed persons to practice Landscape Architecture who are not trained to prepare construction documents or carry out construction observation.; Karla Hunt, Self: Licensure creates enforceable standards that greatly reduce chances of negligent or incompetent work that can cause serious injury or death. Removal of requirements for licensure would make AZ the only state not requiring this level of competency.; James Hann, Self: This bill is trying to deregulating an industry that has previously required State Reg.All other States require an applicant to become licensed.Universities will no longer need to offer this degree if reg is not needed.It will weaken the profession.;

Ellen Alster, Self: Am strongly against this bill.; Brad Novacek, Self: The State Board of Technical Registration is an outstanding example of proper regulation and should remain separate. The professions it regulates are all important to the public health, safety and welfare. I oppose the bill proposed.; Michelle Madsen, Self: Oppose HB2613 Deregulation of landscape architects adversely affects the public's health, safety and welfare, potentially adding costs to the state in the long run. LA's add to our economy and help AZ to be a desirable place to live, work and visit; alba rodriguez, Self: LA registration is important; Deborah Garner, Self: The practice of landscape architecture is a discipline with its own set of knowledge, skills, and abilities. Licensure is necessary to create enforceable standards that greatly reduce negligent or incompetent work that can cause serious injury; Kristian Kelley, Self: I am opposed to the deregulation of the profession of landscape architecture.; Shane Hanneman, Self: I wish to speak in opposition to 2613; Rebecca Ewan, Self: I oppose the bill as it will compromise the public's health, safety and welfare if there are not registered landscape architects. It will also have a negative impact on Arizona's economy and Arizona's higher education.; Joe Ewan, Self: I am opposed to the bill as it will negatively impact Arizona's higher education and economy. It also compromise the public's health, safety and welfare.; John Gilmore, Self: Please maintain the current registration for landscape architects. I have been in practice in Arizona since 1981. Public Health, Safety, and Welfare are all impacted by registrants. The practice bridges architecture and civil engineering.; Cristal Castro, Self: I strongly oppose the passing of this bill. As a landscape architecture student at Arizona State University, the passing of this bill would destroy the profession as it is for current and future landscape architects.; John Seth Placko, Self: I oppose 2613. As a small business owner, removing the protection of licensure would be a huge blow to the success of my business. Our clients rely on it to ensure that we are competent and capable.; Alisha Hubbell, Self: I do not support this bill.; Edward Lorden, Self: Oppose this bill.; greg flanagan, Self: This is a terrible idea. It will erode the professionalism established in the landscape architectural field and not reward people for being educated and registered.; Craig Barton, Self: I oppose both principal and practice of this bill. This bill will neither reduce the size of government or the attendant budgets. It will however, have significant and adverse impacts on the health, safety and welfare of state residents.; Philip Horton, Self: To de-regulate the Profession of Landscape Architecture misunderstands the rigors and value of a critical profession in a fragile ecosystem. And moving the AzBTR under the AzDoA creates concerns about the Boards ability to operate independently.; Samantha Rodriguez, Self: I am against this bill due to the fact that it will conflict with local economy. Not only will many people be out of a job, but many upcoming potential employees will be out of a possible job as well. Instead of creating jobs, this would take away.; Adam Perillo, Self: I'm a licensed landscape architect and oppose de-regulating licensure. De-regulating will result in unsafe spaces for people and it will cost Arizona jobs. Currently all 50 states regulate the profession of landscape architecture.; Amanda Clayton, Self: As a Master of Landscape Architecture student at ASU I am strongly against this bill as a future professional and a life long resident of Arizona. It would jeopardize the health, safety and welfare of the public and negatively impact AZ's future.; Matthew Miller, Self: Against the deregulation of Landscape Architecture; victor soudani, Self: I am against the deregulation of the Landscape Architecture Profession.; Paul Coseo, Self: I oppose the bill because it deregulate landscape architecture, which will degrade our economy and result in heightened risk for business and residents. Deregulation of landscape architecture will result in reduced competitiveness with other SW state; Genevra Richardson, American Institute Of Professional Geologists - AZ Section: I wish to introduce the Geologists who are wishing to speak on the bill.; Doug Bartlett, Self: As the Treasurer of the American Institute of Professional Geologists and the President-Elect of the Arizona Section of the AIPG, on behalf of the 730 licensed geologists in Arizona, I am opposed to removing the licensure of Geologists.; Thomas Neely, Self: As a licensed geologist, I am opposed to removing the state licensure for our profession.; Frank Nejdli, Self: I am opposed to removing the state licensure requirement for licensed geologists.; Gary Burchard, Self: I am opposed to removing the state licensure requirement for geologists.; Janice Bedford-Hughes, Self: I am opposed to the removal of the Geologists licensure.; Jim Fallon, Self: I am opposed to the removal of the Geologists licensure.; Paul Turner, Self: I am opposed to the removal of the Geologists licensure.; Kenneth Brooks,

Self: Landscape Architecture is not a burden for Az citizens and businesses. Licensure is a benefit for AZ citizens and communities. Licensure rules are controlled by the state and not by a federal mandate.; Kellie Hutson, Self: I am opposed to removing the Geologist certification.; Jacqueline Day, Self: I am opposed to removing the Geologist certification.; Molly Collins, Self: I am opposed to removing the Geologist certification.; Steven Brady, Self: I am opposed to removing the Geologist certification.; Dawn Garcia, Self: I wish to testify on behalf of the geologists as I am a licensed geologist in AZ and a former AZBTR member.; David Lowell, Self: I am opposed to removing the Geologist certification.; Jed Douglas, Self: I am opposed to removing the Geologist certification.; Stephen Noel, Self: I am a licensed geologist and the representative on the AZBTR for geologists. I wish to testify in opposition to HB 2613 on behalf of the Arizona Institute of Professional Geologists.; Donald Earnest, Self: I am opposed to removing the licensure of geologists in HB 2613; Leo Leonhart, Self: I am opposed to removing the Geologist certification.; Ernest Craig Rees, Self: I am opposed to HB 2613 as it removes the licensure for geologists.; Amanda Rusing, Arizona Planning Association: Opposition is specific to landscape architect provision.; Ed Trosper, Self: I am opposed to removing the Geologist certification.; Jeremy Gniffke, Self: As a licensed geologist I am opposed to removing the licensure of geologists from HB 2613; Marilyn DeRosa, Self: I am opposed to removing the Geologist certification.; Andrew Messer, Self: I am opposed to removing the licensure requirements for geologists.; Karol Wolf, Self: I am opposed to removing the Geologists certification.; Jeffrey Hess, Self: I am opposed to removing the licenses of geologists. They serve a very important purpose in ensuring the safety of our public.; Marc Moncilovich, Self: I am opposed to removing the Geologists certification.; Samantha Roberts, Self: I am opposed to removing the Geologists certification.; Robert Hammond, Self: I am a licensed geologist and opposed to removing the state licensure as there is no national or federal licensure for geologists.; Tom Smith, Self: I am opposed to removing the Geologists certification.; Sabrina Perez, Self: I am opposed to removing the Geologists certification.; Allan Schappert, Self: I am opposed to removing the Geologists certification.; Joseph Cain, Self: I am opposed to removing the Geologists certification.; William Greenslade, Self: As a licensed geologist who specializes in groundwater, I oppose removing our licensure as we deal with protecting the water supply for all of AZ. If there is no licensure in AZ there would be no legal authority in cases of misconduct.; Jersy DePonty, Self: I am opposed to removing the Geologists certification.; Daniel Weber, Self: I am opposed to removing the Geologists certification.; Todd Keay, Self: I am opposed to removing the Geologists certification.; James Walker, Self: I am opposed to HB 2613 as it removes the licensure for geologists in AZ. There is no national licensure for geologists, and AZ would be the first state to remove the licensure requirement for geologists in all 50 states.; Ron Evan Paul, Self: I am opposed to removing the Geologists certification.; Andrew Scott, Self: I am opposed to removing the Geologists certification.; Scott McNulty, Self: I am opposed to removing the licensure requirement for geologists in AZ.; Steven Kaminski, Self: I am opposed to removing the Geologists certification.; Mason Bolitho, Self: I am opposed to removing the Geologists certification.; Allen Shaw, Self: I am opposed to removing the licensure requirement for geologists in AZ.; Raymond Roessel, Self: I am opposed to removing the Geologists certification.; Karen Herther, Self: I am opposed to removing the licensure requirement for geologists in AZ.; Lantz Indergard, Self: I am opposed to removing the Geologists certification.; Martin Rex, Self: I am opposed to removing the licensure requirement for geologists in AZ.; Michele Nelson, Self: I am opposed to removing the Geologists certification.; Barb Murphy, Self: I am opposed to removing the Geologists certification.; Megan Zivic, Self: I am opposed to removing the Geologists certification.; Laurie White, Self: PLEASE SUPPORT THE AMENDMENT TO REMOVE ATHLETIC TRAINING FROM THE BILL; Chris J. Courtney, Self: I am opposed to removing the Geologists certification.; Gregg Mitchell, Self: Our firm deals with architecture, mining, transportation, oil & gas, waste, power, industrial, private development and water. We have licensed geologists that work for us and are a key part of what we do. I oppose removing their licensure.; Amy Wolkowinsky, Self: I am opposed to removing the Geologists certification.; William Victor, Self: I am opposed to removing the Geologist certification.; Patty Luttrell, Self: I am opposed to removing the Geologist certification.; Tim Thompson, Self: I have over 30 years of experience in water resources and environmental science, regulatory issues, & litigation support. As a professional geologist, certified hydrogeologist, & registered geologist in Arizona, I

oppose removing licensure.; Clay Kilmer, Self: I am opposed to removing the Geologist certification.; Gretchen Erwin, Self: I am opposed to removing the Geologist certification.; Patricia Hartshorne, Self: As a member of the professional society of civil and structural engineers, I oppose removing the licensure of geologists in AZ; Gerald Shiller, Self: I am opposed to removing the Geologist certification.; Bruce Kay, Self: I am opposed to removing the Geologist certification.; Jamie Kennealy, Self: I oppose removing the licensure of geologists in HB 2613; Rob Balcells, Self: I am opposed to removing the Geologist certification.; Wayne Harrison, Self: I am opposed to removing the Geologist certification.; Robert Harding, Self: I am opposed to removing the Geologist certification.; Michael Hilstrom, Self: I am opposed to removing the Geologist certification.; Mike Hulst, Self: As a licensed engineer who provides planning, design, permitting and oversight of transportation systems, waste & wastewater, sports facilities, military bases, utilities, education and healthcare, we rely on licensed geologists & oppose removing lic; Paul Plato, Self: I am opposed to removing the Geologist certification.; Diane Love, Self: I am opposed to removing the Geologist certification.; John Pekala, Self: I am opposed to removing the Geologist certification.; Daniel Hart, Self: I specialize in water resources and groundwater and oppose removing the licensure of geologists in AZ; Julie Wright, Self: I am opposed to removing the Geologist certification.; Mary Ohren, Self: I oppose removing the licensure of geologists in AZ.; Juliet McKenna, Self: I am opposed to removing the Geologist certification.; Dennis Hall, Self: I oppose removing the licensure of geologists in AZ. They rock.; Melanie Lindsey, Self: I am opposed to removing the Geologist certification.; Ryan Toomey, Self: I oppose removing the licensure of geologists in AZ.; Eric Muehlberger, Self: I am opposed to removing the Geologist certification.; Robert Mongrain, Self: I oppose removing the licensure requirement of geologists in AZ.; Kate Helm, Self: I am opposed to removing the Geologist certification.; Brett McClellan, Self: I am opposed to removing the Geologist certification.; Steve Smelser, Self: I am opposed to removing the Geologist certification.; Victoria Hermosilla, Self: As a licensed geologist I oppose removing the licensure requirement in AZ. There is no national or federal licensure requirement if the AZ license were to be removed.; Daniel Sola, Self: I am opposed to removing the Geologist certification.; Lori Bartlett, Self: I am opposed to removing the Geologist certification.; Montgomery Higgins, Self: I oppose removing the licensure requirement for geologists in AZ. We would be the first state to remove that requirement.; Stephen Johnson, Self: I am opposed to removing the Geologist certification.; James Clarke, Self: I oppose removing the licensure requirement for geologists in AZ; Kenneth Ferguson, Self: As a licensed geologist I oppose removing the licensure of our profession in AZ.; Katy Brantingham, Self: I am opposed to removing the Geologist certification.; Ric Morgan, Self: I am opposed to removing the Geologist certification.; Harry Parker, Self: I oppose removing the licensure of geologists in AZ; J Graydon Martz, Self: I am opposed to removing the Geologist certification.; Charles Lee Morris, Self: I oppose removing the licensure of geologists in AZ; Ken Euge, Self: I am opposed to removing the licensure of geologists in AZ; John E Villinski, Self: I am opposed to removing the Geologist certification.; Mike Roche, Self: I am opposed to removing the Geologist certification.; Bill Goodman, Self: I am opposed to eliminating the licensure of geologists; Marek Lodej, Self: I am opposed to removing the Geologist certification.; David Goodrich, Self: I am opposed to HB 2613 as it eliminates the licenses of geologists.; Joe Loverich, Self: I am opposed to removing the Geologist certification.; Jeff Brown, Self: I am opposed to this bill because it gets rid of the licenses of geologists.; Peter Stang, Self: I am opposed to removing the Geologist certification.; Charles Reeter, Self: I am opposed to this bill because it eliminates the requirement for geologists to be licensed; Steve Maslansky, Self: I am opposed to removing the Geologist certification.; Bryon Baden, Self: I am opposed to removing the Geologist certification.; Timothy Leo, Self: I am opposed to removing the Geologist certification.; Timothy Rheinschmidt, Self: I am opposed to removing the Geologist certification.; Mark Cross, Self: I am opposed to removing the Geologist certification.; Gary Walter, Self: I oppose stripping the licensure of geologists.; Chris Osterman, Self: I am opposed to removing the Geologist certification.; Ryan Mitchell, Self: I oppose removing the licensure of geologists in AZ; Christopher Brooks, Self: I am opposed to removing the Geologist certification.; Martin Steinpress, Self: I oppose removing the licenses of geologists in AZ; Mark Murphy, Self: I am opposed to removing the Geologist certification.; Tony Potucek, Self: I oppose HB 2613 as it removes the licensure of geologists; Alex Yiannakakis, Self: I am opposed to

removing the Geologist certification.; Lisa Dirth, Self: I am opposed to HB 2613 because it eliminates the licensure requirement for geologists; Joseph Manduke, Self: I oppose this bill because it eliminates the licenses of geologists which serve a very important purpose in AZ; C. Tyler Irwin, Self: I am opposed to the removal of the Geologist certification.; Abra Bentley, Self: I am opposed to the removal of the Geologist certification.; David Wrzosek, Self: I am opposed to the removal of the Geologist certification.; Clay Spencer, Self: I am opposed to the removal of the Geologist certification.; Steve Woodhull, Self: I am opposed to the removal of the Geologist certification.; Keith Scoular, Self: I am opposed to this bill as it removes the licenses of geologists in AZ.; Allison Jones, Self: I am opposed to the removal of the Geologist certification.; Michael Young, Self: I oppose HB 2613 as it removes the licensure of geologists; James Norris, Self: I am opposed to the removal of the Geologist certification.; Rochelle Destrampe, Self: I am opposed to the removal of the Geologist certification.; David Brown, Self: I am opposed to removing the geologists from AZ licensure; Michael S. Johnson, Self: I am opposed to the removal of the Geologist certification.; William Greenslade, Self: I am opposed to the removal of the Geologist certification.; Danny Sims, Self: I am opposed to HB 2613 as it removes the licensure requirement in AZ; Geoffrey Moss, Self: I am opposed to the removal of the Geologist certification.; Carl A. Kuehn, Self: I am opposed to the removal of the Geologist certification.; Brian Beck, Self: I am opposed to HB 2613 as it removes the licensure for geologists; Matthew Schmidt, Self: I am opposed to the removal of the Geologist certification.; Jesse Laurie, Self: I am opposed to the removal of the Geologist certification.; Peter Mock, Self: I am opposed to eliminating the licensure of geologists in AZ; Jeffrey Menken, Self: I am against removing the licensure of geologists in AZ; Thomas C Deane, Self: I am opposed to the removal of the Geologist certification.; David Wahl, Self: I am opposed to removing the licensure of geologists in AZ; Thomas R. Suriano, Self: I am opposed to the removal of the Geologist certification.; Pancho Garza, Self: I am opposed to the removal of the Geologist certification.; David Pence, Self: I am opposed to the removal of the Geologist certification.; Benjamin Ciampa, Self: I am opposed to removing the licensure of geologists in AZ; William Spitz, Self: I am opposed to the removal of the Geologist certification.; Alex Potter, Self: I am opposed to HB 2613 as it removes the licensure requirement for geologists. Please keep geologists licensed in AZ; Kenneth Hamilton, Self: I am opposed to the removal of the Geologist certification.; Jon Fuller, Self: I am opposed to HB 2613 as it removes the licensure of geologists in AZ; Russell Granfors, Self: I am opposed to the removal of the Geologist certification.; Katherine Roxlo, Self: Please support licensed geologists and vote against this bill; Tracy Hillman, Self: I am opposed to the removal of the Geologist certification.; T. Jefferson Shanks, Self: Please support licensed geologists and vote against this bill; Alvin Burch, Self: I am opposed to the removal of the Geologist certification.; Jon Foruria, Self: Please vote against HB 2613 and support licensed geologists.; Kenneth Robinson, Self: I am opposed to the removal of the Geologist certification.; Rick Smith, Self: Please support licensed geologists and oppose HB 2613; Todd Moody, Self: I am opposed to the removal of the Geologist certification.; Lee Amoroso, Self: I am opposed to the removal of the Geologist certification.; Michael Kaczmarek, Self: Please support licensed geologists and oppose HB 2613; Mark Kazelskis, Self: I am opposed to the removal of the Geologist certification.; Gwyn Rhys-Evans, Self: I oppose HB 2613 as it removes the requirement for geologists to be licensed; James M Haslett, Self: I am opposed to the removal of the Geologist certification.; Andy Coulam, Self: I am opposed to the removal of the Geologist certification.; Steven Vaughn, Self: I am opposed to the removal of the Geologist certification.; Douglas Santo, Self: I am opposed to the removal of the Geologist certification.; Richard Kent, Self: I oppose HB 2613 as it removes the licensures for geologists.; Phyllis Rettke, Self: I oppose HB 2613 as it removes the licensure requirement for geologists.; George Polman, Self: I oppose HB 2613 because it removes the licensure of geologists.; Gary Hix, Self: I oppose removing the licensure of geologists from HB 2613; Ryan Shafer, Self: We oppose removing the licensure for geologists; Elizabeth Zima, Self: I am opposed to the removal of the Geologist certification.; Gabriel Campos, Self: I oppose HB 2613 as it removes the licenses for geologists; Michael Block, Self: I am opposed to the removal of the Geologist certification.; Lawrence Phillips, Self: I oppose HB 2613 because it removes the licensure requirement of geologists; Randall L. Whitlock, Self: I am opposed to the removal of the Geologist certification.; Walter Crone, Self: I am opposed to removing the licensure

for geologists; Shelly Tunis, YUMA FRESH VEGETABLE ASSOCIATION: We oppose HB 2613 because it eliminates licenses for citrus plus fruit and vegetable packers. (Fact sheet is incorrect.) This is a food safety issue with many potential adverse consequences for both the industry and the public.; Alison Snyder, Self: PLEASE SUPPORT THE PETERSON (22-line) AMENDMENT TO REMOVE THE PROVISIONS RELATING TO ATHLETIC TRAINING FROM THE BILL; Malerie Gamboa, Self: I OPPOSE HB 2613 because it deregulates the profession of Landscape Architecture; Randall Cohen, Self: PLEASE SUPPORT THE PETERSON (22-line) AMENDMENT TO REMOVE THE PROVISIONS RELATING TO ATHLETIC TRAINING FROM THE BILL. THANK YOU; Philip Douglas Folk, Self: Vote No on changes to Board of Technical Registration. Removing landscape architects and geologists from BTR and moving BTR to DOA hurts Arizona consumers and the competitiveness of Arizona business. HB2613 has negative impact on public safety.; Barbara Murphy, Self: I oppose the deregulation of geologists.; Justin Azevedo, Self: I oppose having Landscape Architecture deregulated in Arizona.; Mark Fountain, Self: Representing the Arizona Section of the American Society of Civil Engineering; Susan Cannata, Arizona Athletic Trainers Association: SUPPORT Peterson 22-line amendment to remove athletic training provisions from the bill.; Stephen Nutt, Self: Representing the Federation of Associations of Regulatory Boards (FARB); Harry Cooper, Self: I am in opposition of this bill. Professional licensure is good for the economy of Arizona and the safety, health, and well-being of the general public.; Dirk DeWitt, Self: Negative for Arizona Business & residents; Kirk Kiser, Self: I oppose; Claudia Garcia, Self: HB2613 will only achieve exposing consumers to fraud by unqualified professionals. Specifically, Licensed Geologists are an ounce on prevention in the potential environmental justice claims that will shape AZ such as Rosemont in near Tucson.; mark lymer, Self: no reason to make changes; Rick Ball, Self: Please pass Peterson (22 line) amendment to HB 2613.; Aderson Vieira, Self: Please vote NO to this bill as it is...Civil Engineers in Arizona depending on a qualified Geologist professional for some of the infrastructure project decisions. Deregulation of this profession will not be in favor of the public safety...; Brian Sager, Self: Against this bill, it will not accomplish positive changes and will harm jobs, public safety, and natural environment.; john hucko, Self: I strongly Oppose this bill; Tom Dorn, HDR Engineering: HDR is very concerned about the impacts of this bill. We are neutral now with the expectation that our concerns will be addressed throughout the process.; Kent Bultemeier, Self: PLEASE SUPPORT THE PETERSON (22-line) AMENDMENT TO REMOVE THE PROVISIONS RELATING TO ATHLETIC TRAINING FROM THE BILL; Jim Lemmon, Self: In 1984 I am a registered geologist in AZ. I have taught Geology of AZ and other earth sciences in the community colleges. Will I be refunded my registration fees that currently expire in June 2018? Will I still be able to call myself a geologist?

## **HB2652, independent contractors; criteria**

### **Testified in support:**

Wendy Briggs, UBER TECHNOLOGIES, INC

### **Support:**

Brian Miller, representing self

## **HB2690, pawnbroker licensure; DPS**

### **Neutral:**

Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS

## **All Comments:**

Dale Wiebusch, LEAGUE OF ARIZONA CITIES & TOWNS: Does DPS have the resources to accomplish this?

## **HB2523, contact lenses; prescriptions.**

### **Testified in support:**

Kevin DeMenna, 1800CONTACTS; Justin French, representing self; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH

### **Testified as opposed:**

Annette Hanian, representing self; Don Isaacson, AZ OPTOMETRIC ASSN; Barry Aarons, Coopervision; Jayson Daniel, representing self; Jeff Sandquist, Coalition For Patient Vision Care Safety

### **Support:**

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Justin Marino, 1-800 Contacts; Chase Everton, representing self; Nan Nicoll, representing self; Karen Mackean, representing self; Bryan Lee Briggs, representing self; Jered Skousen, representing self; Susie Stevens, 1-800-CONTACTS; Jordan Rose, representing self; Christopher Ferens-Foulet, representing self; Alayna Wiley, representing self; Thomas Liccadi, representing self; Robert Brier, representing self; Tom Jenney, AMERICANS FOR PROSPERITY AZ; Joe DeMenna, 1-800 Contacts; Cary Samourkachian, representing self; Constantin Querard, 1-800 Contacts; Eric Nagaran, representing self; Matt Magness, representing self; Patrick Barrett, 1 800 CONTACTS; Jonathan Hanson, representing self; Thomas Galvin, representing self; Yesenia McCluer, representing self; Antonette Miller, representing self; Cecily Bornemann, representing self; Alexander Shea, representing self; Drew Moses, representing self; Beverly Wright, representing self; Burke Frei, representing self; Camille Freestone, representing self; Cecily Bornemann, representing self; Darius Vasquez, representing self; Deanne Crim, representing self; James Dawkins, representing self; Jerilee Mattingly, representing self; John Palmer, representing self; Kimberly Nickells, representing self; Madison Montana, representing self; Maggie Santana, representing self; Melissa McMullin, representing self; Meridith Chen, representing self; Patrick Prest, representing self; Race Ashby, representing self; Raymond Oakley, representing self; Roxanne Harding, representing self; Steven Evans, representing self; Susan Edwards, representing self; Liana Garcia, 1800CONTACTS; Tiffany Vitanyi, representing self; Tracie Gregg, representing self; William Wallick, representing self; Michael Gardner, 1-800 Contacts; Jon Altmann, ASSOCIATION OF THE U.S. NAVY; Michael Gibbs, representing self; Deb Gullett, Gallagher And Kennedy, For 1-800-Contacts; Ryan DeMenna, 1800CONTACTS; James Candland, 1-800-CONTACTS; Evan Bolick, representing self; Scot Mussi, Arizona Free Enterprise Club; Warde Nichols, 1-800 Contacts

### **Oppose:**

Brandon Suedekum, representing self; Robert McCulloch MD, representing self; Tariq Qamar MD, representing self; Aaron Petersen MD, representing self; Richard Kootman MD, representing self; Sharam Danesh MD, representing self; Edna Joyce Helmuth MD, representing self; Kurt Wharton MD, representing self; Tara Miller OD, representing self; Roger Grossbard OD, representing self; Scott Baker OD, representing self; Stuart Bark OD, representing self; Gino Carmilli OD, representing self; Ben Yanofsky OD, representing self; Aleta Gong, representing self; Ric Rios OD, representing self; Cathy Hollenbach, representing self; Mike Kozlowski, representing self; Rand Siekert, representing self; Christine Sorenson, representing self; Camille Chung, representing self; Richard Kalina, representing self; Eric Clyde, representing self; Sanford Moretsky DO, representing self; Jonathan Levin MD, representing self; Angela Herro MD, representing self; Tim Hanian, representing self; James Hamilton, NOVARTIS

PHARMACEUTICALS CO; Don Jarnagin, representing self; Jamie Kuhn, representing self; Craig Cassidy DO, representing self; G. Hobson MD, representing self; Angela Marquez OD, representing self; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Ramin & Anita Schadlu MD, representing self; Carly Fleege, NOVARTIS PHARMACEUTICALS CO; Stacey Meier, representing self

### **All Comments:**

Chase Everton, Self: 1-800 contacts; Brandon Suedekum, Self: As a corneal specialist MD, I oppose extending contact lens prescription length beyond 1 year; Robert McCulloch MD, Self: As an ophthalmologist, I oppose any changes to contact lens expiration length beyond 1 year.; Tariq Qamar MD, Self: I am an ophthalmologist opposing changes to contact lens prescription length; Aaron Petersen MD, Self: I am a practicing ophthalmologist that opposes changes to contact lens prescription length; Richard Kootman MD, Self: Corneal specialist MD; Sharam Danesh MD, Self: ophthalmologist opposed to 2523; Edna Joyce Helmuth MD, Self: As an MD, my concern is over loosening patient safety standards; Kurt Wharton MD, Self: MD, opposing hb2523, due to concerns over patient safety and loosening of standard of care in AZ; Annette Hanian, Self: Representing AZ Optometric Association; Rand Siekert, Self: UofA College of Ophthalmology; Justin French, Self: LD 23 Constituent; Sanford Moretsky DO, Self: Refractive Surgeon against Hb2523 and amendment; Jonathan Levin MD, Self: Ophthalmologist against HB2523 and amendment; Angela Herro MD, Self: Ophthalmologist against HB2523 and amendment; Don Jarnagin, Self: Past AOA President; Craig Cassidy DO, Self: Ophthalmologist opposed to extending contact lens Rx beyond 1 year expiration length; G. Hobson MD, Self: Ophthalmologist opposed to extending contact lens rx length beyond 1 year.; Cary Samourkachian, Self: CEO, lens.com. As a retailer of contact lenses, we pride ourselves on working to provide the best service, lowest cost, and most convenience to customers. Lens.com supports HB2523. Aligning AZ law with neighboring states will benefit AZ consumers.; Jon Altmann, ASSOCIATION OF THE U.S. NAVY: As the representative of the Association of the US Navy representing active and retired Navy members, we support the bill because it is beneficial to TriCare military health plan members.; Michael Gibbs, Self: The state should not "play doctor." Medical professionals should decide how long a prescription is valid, not legislators. This bill gives doctors more flexibility, I urge you to vote in favor.; Ramin & Anita Schadlu MD, Self: we are both ophthalmologists and oppose any change beyond 1 year expiration; Stacey Meier, Self: Executive Director of the Arizona Optometric Association; jayson Daniel, Self: Initiative was rejected in other states this is a FOR PROFIT initiative for 1-800 contacts that does not take eye health into consideration

## **HB2646, film and media production; commission**

### **Support:**

Barry Aarons, GREATER PHOENIX CONVENTION & VISITOR'S BUREAU, TUCSON CONVENTION & VISITORS BUREAU, VISIT MESA

### **Neutral:**

Alberto Gutier III, ARIZONA FILM & MEDIA COALITION, INC.

### **All Comments:**

Alberto Gutier III, ARIZONA FILM & MEDIA COALITION, INC.: AFMC is neutral on 2646. We recognize the need for a State Film Office but 2646 is too vague in content. It lacks clarity, accountability, oversight & details on how an office would be funded, organized & operated. A Stakeholder Meeting Is Requested.

## **HB2666, governor's economic opportunity office; consolidation**

### **Testified in support:**

lorenzo romero, AZ GOVERNOR'S OFFICE

### **Testified as neutral:**

Courtney Gilstrap LeVinus, Industrial Development Of Authority Of The County Of Maricopa; Barry Aarons, Arizona Municipal Water Users Assn; Scot Mussi, Arizona Free Enterprise Club

### **Support:**

Sandra Watson, Arizona Commerce Authority; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Dianne McCallister, Arizona Technology Council; Jason Baran, SR. Govt Relations Rep, SALT RIVER PROJECT (SRP); Chad Guzman, AZ PUBLIC SERVICE COMPANY (APS); Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Philip Bashaw, GRAND CANYON STATE ELECTRIC COOP ASSN; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Jim Norton, Arizona Manufacturers Council

### **Neutral:**

Paul Shannon, representing self

## **HB2513, condominiums; exterior changes; approval**

### **Support:**

William Gregory Eisert, representing self; albert gervenack, representing self

### **Oppose:**

Carol Perkinson, representing self

### **All Comments:**

William Gregory Eisert, Self: Condominiums are multifamily units developed for a lifestyle which requires uniformity and conformity of the common and limited common areas promoting the protection of community general property values. This Bill protects both unit owners and assoc; albert gervenack, Self: Albert Gervenack, Director, Property Owners & Residents Assoc. (PORA), Sun City West, AZ; Carol Perkinson, Self: Requirement to have all owners in condo vote to approve a change in the exterior of one unit owner home does not belong in state statutes. The Home owner association is self ruling and each association should decide if this is appropriate for their



# HOUSE OF REPRESENTATIVES

HB 2690

pawnbroker licensure; DPS

Prime Sponsor: Representative Gowan, LD 14

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2690 makes the Department of Public Safety (DPS), the agency responsible for licensing and regulating the pawnbroker industry, rather than the local county sheriff.

## PROVISIONS

1. Requires pawnbrokers to obtain and maintain licensure through DPS. Directs pawnbrokers to report transactions and pay penalties and fees to DPS.
2. Establishes the DPS Pawnbroker Licensing Fund that is administered by the Director of DPS. Monies in the fund are continuously appropriated for operational and equipment costs to regulate the pawnbroker industry.
3. Makes technical and conforming changes.

## CURRENT LAW

Title 44, Chapter 11, Article 3 designates a county sheriff as the administrator and issuer of a pawnbroker license within the sheriff's county. Pawnbrokers are required to transmit reportable transactions to the sheriff or a designee within two business days of the transaction. The reported list must include an accurate description of each pledged item and the full name, permanent address, telephone number, physical description and fingerprint of the pledgor or seller. Pawnbrokers may not engage in business without a license issued by the sheriff in the county in which regular business is conducted. The interest rate a pawnbroker is able to charge cannot exceed 13% for the first two months and no more than 11% per month thereafter.

A.R.S. § 44-1629 requires an applicant for a new pawnbroker's license to pay an application fee of \$1,000 to the local county sheriff, and an annual renewal fee of \$500, which is due no later than January 31. Failure to timely renew a license within 30 days after the payment is due is subject to a penalty of 10% that can be paid along with the license fee.

A.R.S. § 44-1621 defines a *pawnbroker* as a person who lends money with interest on the security of an item that has been pawned.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2690

DATE February 17, 2016 MOTION: DP

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      | ✓   |     |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      |     | ✓   |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 6   | 2   | 0       | 0      |

  
COMMITTEE SECRETARY

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2666

governor's economic opportunity office; consolidation

Prime Sponsor: Representative Fann, LD 1

X Committee on Commerce  
Committee on Appropriations  
Caucus and COW  
House Engrossed

## OVERVIEW

HB 2666 establishes the Governor's Economic Opportunity Office (GEOO) and modifies several agency programs, policies and funds now under its regulatory authority. Prescribes GEOO as the designated office for Arizona's workforce, employment, education, economic development and labor market information and programs.

## PROVISIONS

### *Governor's Economic Opportunity Office (GEOO)*

1. Creates GEOO, whose director is appointed by the Governor, confirmed by the Senate and responsible for GEOO's operation and control.
2. Asserts the Legislature's establishment of GEOO to encourage economic growth and development and to promote prosperity by developing and protecting Arizona business, industry and commerce.
3. Directs GEOO to administer the Operations Fund, which consists of various securities and filing fees. Monies in the fund are continuously appropriated and may be used to further the GEOO's mission.
4. Creates an *Economic Development Fund* administered by GEOO. The fund consists of monies received from the Arizona Industrial Development Authority (IDA) and the Arizona Finance Authority (AFA).
5. Outlines GEOO powers and duties that include:
  - a. Monitoring the tax structure in comparison to other states and municipalities, assessing the incentive programs and supporting the Arizona Commerce Authority (ACA) in administering the incentives.
  - b. Implementing a data collection and analysis process to benchmark Arizona's regulatory costs to do business as well as the state's position competitively in relation to other states.
  - c. Serving as the state's workforce planning coordinator, staffing the *Workforce Arizona Council*, providing population, employment and UI estimates and labor market information to develop the state workforce strategy.
  - d. Supporting the AFA and its director to incorporate finance marketing intelligence in economic development and policy recommendations.
  - e. Developing pertinent data, analysis and support for the ACA, the *Arizona-Mexico Commission* and the *Office of Tourism* in their state marketing strategies.
  - f. Contracting and incurring obligations reasonably necessary to perform its duties.

- g. Using monies or services to provide matching contributions under federal or other lawful programs, accepting gifts, grants and matching monies from public or private persons or enterprises to conduct programs consistent with GEOO's general objectives.
  - h. Providing staff support to a newly established IDA.
6. Terminates GEOO on July 1, 2026 and repeals the related statutes on January 1, 2027, if there are no outstanding contractual obligations or debts, or the agency must have otherwise provided for payments. If not, the agency continues until all debt obligations are fully paid or satisfied.

***Arizona Finance Authority***

- 7. Creates the AFA in GEOO and requires the Governor to appoint a Director.
- 8. Establishes the Operations Fund and requires monies to be continuously appropriated. Consists of monies, pledges and property through appropriations, loans or gifts.
- 9. Deems monies held by the *Greater Arizona Development Authority* (GADA), *Water Infrastructure Finance Authority* (WIFA) or any other fund managed by the AFA as assets.
- 10. Holds the state harmless for any obligation incurred by the AFA.
- 11. Stipulates all costs and expenses will be paid from bond proceeds issued by an IDA or other monies of the AFA, including GADA's and WIFA's.
- 12. Exempts the AFA and its income from all state taxes.
- 13. At the end of each fiscal year, transfers all unencumbered monies in the fund in excess of the operating costs to the *Economic Development Fund*.

***AFA – Board Members and Meetings***

- 14. Creates a five-member Board appointed by the Governor to three-year terms, with geographically diverse representation.
- 15. Requires Board rules to provide for annual meetings and special meetings as necessary. Audioconference or videoconference meetings are permissible, but votes must be by roll call.
- 16. Permits members to be reimbursed for necessary expenses in performing their duties.
- 17. Asserts that members may not have any direct or indirect personal financial interest in any project financed by the AFA.

***AFA – Powers and Duties***

- 18. Outlines the AFA powers and duties, including the ability to:
  - a. Apply for, accept and administer grants of monies, materials or property from a federal agency or others.
  - b. Employ or contract with various experts and decide their compensation.
  - c. Decide the AFA Director's salary, compensation and other employee-related expenses.
  - d. Sue and be sued, acquire office and meeting space, equipment and other necessary services and supplies.
  - e. Contract, act as guarantor or coinsure with federal, state or local governmental authorities, organizations or corporations in connection with AFA activities.
  - f. Adopt bylaws and related administrative rules to carry out the functions of the agency.
  - g. Inspect any AFA-financed facility and examine pertinent records.
  - h. Acquire title to real property or other assets through gifts, grants or purchase.

***AFA – Duties of Board; Advisory Board***

19. Requires the AFA Board to establish an IDA and serve as its Board.
20. Places GADA under the AFA.
21. Directs the AFA Board to serve as the Board of GADA and WIFA, including having all the power and authority to take action regarding GADA and water infrastructure financing.
22. Requires the board to approve the AFA budget.

***Workforce Arizona Council***

23. Replaces the *Governor's Council on Workforce Policy* with the *Workforce Arizona Council (Council)*.
24. Establishes the Council by executive order of the Governor to develop, implement and modify the workforce plan, review state policies and programs and make recommendations to the Governor as outlined.
25. Requires the Council to develop allocation formulas to distribute monies for employment and training activities for adults and youth workforce activities.
26. Details the information and data that must be gathered, including the levels of performance, number of individuals served, barriers to employment, and average cost per participant.

***Department of Economic Security (DES) – Unemployment Insurance***

27. Authorizes DES or GEOO to release UI information to:
  - a. Any federal, state or local governmental entity investigating fraud in public programs or the misuse of public monies.
  - b. Internal divisions within DES, the Department of Education (ADE), the universities, community colleges, federal and state agencies to evaluate program performance and for other research or lawful disclosure requirements.
28. Outlines specific requirements for information release, including confirmation of confidentiality.
29. States that all pertinent parties, including the *Workforce Data Task Force*, will establish a rate schedule that complies with federal law for the cost of processing requests for disclosure of UI information.
30. Assesses a class 3 misdemeanor for knowingly disclosing confidential UI information without prior written authorization from either DES or GEOO.
31. Requires any security breach or unauthorized disclosure of confidential information to be reported immediately to both DES and GEOO.

***IDA and AFA***

32. Removes the requirement for the Arizona Department of Transportation to provide staff support and meeting space to the Arizona International Development Authority and eliminates the related statutory references.
33. At the end of the fiscal year, directs the IDA to transfer any unencumbered monies in excess of the operating costs to the *Economic Development Fund*.

*Allocation of Private Activity Bonding Authority*

34. Changes the Arizona Commerce Authority (ACA) to the AFA for purposes of bonding authority and requires the Board to establish rules for the program.
35. Transfers the administration of the bond volume cap allocation process on the effective date of this legislation.
36. Strikes the allocation percentages process and instead allows the Board to adopt a policy, after receiving input from affected industries and based on Arizona's economic needs.
37. Prohibits a confirmation of an allocation to a project for greater than \$35 million, unless approved in the sole discretion of the AFA Director.
38. Prescribes a nonrefundable confirmation fee that is set by the AFA Board by rule, rather than the current \$320 per \$1 million for which a confirmation is issued.
39. Contains a delayed repeal date of January 1, 2017, for confirmations made in late December and special allocations for mortgage revenue bonds and mortgage credit certificates.

*Workforce Data Task Force*

40. Establishes a five-member *Workforce Data Task Force* within GEOO to oversee workforce system evaluation data sharing.
41. Details the duties to oversee, develop, maintain and regularly review the methodologies used for data collection, retention, distribution and storage.
42. Specifies that a report is due by November 1, 2016 to the Governor, Legislature and the Secretary of State.
43. Sunsets the Task Force on July 1, 2024.

*Repeals*

44. Delays the repeal of the *Arizona Housing Finance Authority* (AzHFA) until January 1, 2017.
45. Repeals the sunset dates and related statutes for the *Arizona Health Facilities Authority* (AHFA), the *Arizona International Development Authority* (AIDA) and the *Water Infrastructure Finance Authority* (WIFA).

*Miscellaneous*

46. Incorporates the ADOA *Office of Employment and Population Statistics* into the GEOO and conforms the language throughout the various statutes.
47. At the end of each fiscal year, asserts that the IDA must transfer all unencumbered monies in excess of the operating costs to the GEOO Fund.
48. Beginning July 1, 2017, allocates 30% of the Arizona Competes Fund monies to programs for rural and small businesses if all requirements are met.
49. Continues the *Arizona Competes Fund* until July 1, 2018.
50. By October 1, 2016, requires DES to enter into a memorandum of understanding (MOU) with GEOO to evaluate workforce and education programs, develop labor market information and recognize GEOO as Arizona's designated office for UI data information. The MOU must include specifics for quarterly reports and assurance that the initial transmission will include all archived data.

## HB 2666

51. Submits to GEOO for record retention purposes, all workforce evaluation system research products. All research products without personally identifiable information will be made available to the public, and the Secretary of State must maintain the information long term.
52. Directs all pertinent entities (DES, ADE, GEOO) to notify applicants for employment and participants in the *Workforce Innovation and Opportunity Act Programs* that data may be used to evaluate program effectiveness and to conduct labor market research.
53. Stipulates that *research products* include the statistical analysis and reports that are produced by state entities using UI information.
54. On the effective date of this legislation, transfers a prorated sum of \$568,700, plus any related appropriation in FY 2017, from the GF operating lump sum appropriation for ADOA to GEOO. Exempts the monies from lapsing.
55. Transfers all unexpended and unencumbered monies remaining in the *Arizona International Development Authority fund*, and other monies or bank accounts associated with the *Arizona Health Facilities Authority*, the *Arizona Finance Authority* and the *International Transportation and Port Infrastructure Development* to the IDA.
56. Preserves the rulemaking authority of DES and the ACA with regard to the Act until GEOO adopts administrative rules.
57. Prescribes that the AFA assumes responsibility for the bond volume cap allocation process on the effective date of this legislation.
58. Stipulates that the IDA succeeds to the authority, powers, duties and responsibilities of the *Arizona Health Facilities Authority*, the *Arizona Housing Finance Authority*, and the *Arizona International Development Authority*.
59. States that all obligations and actions taken before the effective date of this legislation remain in force and that certificates, licenses, registrations, permits and other qualifications and authority remain valid for the duration of their terms.
60. Requires the Director of ADOA to determine and allocate transfers consistent with the requirements of this legislation.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2666

(Reference to printed bill)

- 1 Page 36, line 15, strike "GOVERNOR'S ECONOMIC OPPORTUNITY OFFICE OPERATIONS" insert  
2 "ECONOMIC DEVELOPMENT"
- 3 Page 38, line 39, after "amended" insert "effective from and after December 31,  
4 2016,"
- 5 Page 40, lines 4 and 29, after "amended" insert "effective from and after December  
6 31, 2016,"
- 7 Page 42, lines 15 and 42, after "amended" insert "effective from and after December  
8 31, 2016,"
- 9 Page 44, lines 7 and 16, after "amended" insert "effective from and after December  
10 31, 2016,"
- 11 Page 50, between lines 10 and 11, insert:
- 12 "Sec. 34. Section 41-1504, Arizona Revised Statutes, is amended to  
13 read:
- 14 41-1504. Powers and duties; e-verify requirement
- 15 A. The board of directors, on behalf of the authority, may:
- 16 1. Adopt and use a corporate seal.
- 17 2. Sue and be sued.
- 18 3. Enter into contracts as necessary to carry out the purposes and  
19 requirements of this chapter, including intergovernmental agreements pursuant  
20 to title 11, chapter 7, article 3 and interagency service agreements as  
21 provided by section 35-148.
- 22 4. Lease real property and improvements to real property for the  
23 purposes of the authority. Leases by the authority are exempt from chapter  
24 4, article 7 of this title, relating to management of state properties.

1           5. Employ or retain legal counsel and other consultants as necessary  
2 to carry out the purposes of the authority.

3           6. Develop and use written policies, procedures and guidelines for the  
4 terms and conditions of employing officers and employees of the authority and  
5 may include background checks of appropriate personnel.

6           B. The board of directors, on behalf of the authority, shall:

7           1. Develop comprehensive long-range strategic economic plans for this  
8 state and submit the plans to the governor.

9           2. Annually update a strategic economic plan for submission to the  
10 governor.

11          3. Accept gifts, grants and loans and enter into contracts and other  
12 transactions with any federal or state agency, municipality, private  
13 organization or other source.

14          C. The authority shall:

15          1. Assess and collect fees for processing applications and  
16 administering incentives. The board shall adopt the manner of computing the  
17 amount of each fee to be assessed. Within thirty days after proposing fees  
18 for adoption, the chief executive officer shall submit a schedule of the fees  
19 for review by the joint legislative budget committee. It is the intent of  
20 the legislature that a fee shall not exceed one ~~per-cent~~ PERCENT of the  
21 amount of the incentive.

22          2. Determine and collect registry fees for the administration of the  
23 allocation of federal tax exempt industrial development bonds and student  
24 loan bonds authorized by the authority. Such monies collected by the  
25 authority shall be deposited, pursuant to sections 35-146 and 35-147, in an  
26 authority bond fund. Monies in the fund shall be used, subject to annual  
27 appropriation by the legislature, by the authority to administer the  
28 allocations provided in this paragraph and are exempt from the provisions of  
29 section 35-190 relating to the lapsing of appropriations.

30          3. Determine and collect security deposits for the allocation, for the  
31 extension of allocations and for the difference between allocations and  
32 principal amounts of federal tax exempt industrial development bonds and

1 student loan bonds authorized by the authority. Security deposits forfeited  
2 to the authority shall be deposited in the state general fund.

3 4. At the direction of the board, establish and supervise the  
4 operations of full-time or part-time offices in other states and foreign  
5 countries for the purpose of expanding direct investment and export trade  
6 opportunities for businesses and industries in this state if, based on  
7 objective research, the authority determines that the effort would be  
8 beneficial to the economy of this state.

9 5. Establish a program by which entrepreneurs become aware of permits,  
10 licenses or other authorizations needed to establish, expand or operate in  
11 this state.

12 6. Be the state registration agency for apprenticeship functions  
13 prescribed by the federal government.

14 7. NOTWITHSTANDING ANY OTHER LAW, ON REQUEST OF THE GOVERNOR'S  
15 ECONOMIC OPPORTUNITY OFFICE, DISCLOSE TO THE GOVERNOR'S ECONOMIC OPPORTUNITY  
16 OFFICE APPLICANT INFORMATION FOR INCENTIVES ADMINISTERED, IN WHOLE OR IN  
17 PART, BY THE AUTHORITY. ANY CONFIDENTIALITY REQUIREMENTS PROVIDED BY LAW  
18 APPLICABLE TO THE INFORMATION DISCLOSED PURSUANT TO THIS PARAGRAPH APPLY TO  
19 THE GOVERNOR'S ECONOMIC OPPORTUNITY OFFICE.

20 D. The authority, through the chief executive officer, may:

21 1. Contract and incur obligations reasonably necessary or desirable  
22 within the general scope of the authority's activities and operations to  
23 enable the authority to adequately perform its duties.

24 2. Use monies, facilities or services to provide matching  
25 contributions under federal or other programs that further the objectives and  
26 programs of the authority.

27 3. Accept gifts, grants, matching monies or direct payments from  
28 public or private agencies or private persons and enterprises for the conduct  
29 of programs that are consistent with the general purposes and objectives of  
30 this chapter.

1           4. Assess business fees for promotional services provided to  
2 businesses that export products and services from this state. The fees shall  
3 not exceed the actual costs of the services provided.

4           5. Establish and maintain one or more accounts in banks or other  
5 depositories, for public or private monies of the authority, from which  
6 operational activities, including payroll, vendor and grant payments, may be  
7 conducted. Individual funds that are established by law under the  
8 jurisdiction of the authority may be maintained in separate accounts in banks  
9 or other depositories, but shall not be commingled with any other monies or  
10 funds of the authority.

11           E. The chief executive officer shall:

12           1. Hire employees and prescribe the terms and conditions of their  
13 employment as necessary to carry out the purposes of the authority. The  
14 board of directors shall adopt written policies, procedures and guidelines,  
15 similar to those adopted by the department of administration, regarding  
16 officer and employee compensation, observed holidays, leave and reimbursement  
17 of travel expenses and health and accident insurance. The officers and  
18 employees of the authority are exempt from any laws regulating state  
19 employment, including:

20           (a) Chapter 4, articles 5 and 6 of this title, relating to state  
21 service.

22           (b) Title 38, chapter 4, article 1 and chapter 5, article 2, relating  
23 to state personnel compensation, leave and retirement.

24           (c) Title 38, chapter 4, article 2, relating to reimbursement of state  
25 employee expenses.

26           (d) Title 38, chapter 4, article 4, relating to health and accident  
27 insurance.

28           2. On a quarterly basis, provide public record data in a manner  
29 prescribed by the department of administration related to the authority's  
30 revenues and expenditures for inclusion in the comprehensive database of  
31 receipts and expenditures of state monies pursuant to section 41-725.

1           F. In addition to any other requirement, in order to qualify for any  
2 grant, loan, reimbursement, tax incentive or other economic development  
3 incentive pursuant to this chapter, an applicant that is an employer must  
4 register with and participate in the e-verify program in compliance with  
5 section 23-214. The authority shall require verification of compliance with  
6 this subsection as part of any application process.

7           G. Notwithstanding any other law, the authority is subject to chapter  
8 3.1, article 1 of this title, relating to risk management.

9           H. The authority is exempt from chapter 32, articles 1 and 2 of this  
10 title, relating to statewide information technology. The authority shall  
11 adopt policies, procedures and guidelines regarding information technology.

12           I. The authority is exempt from state general accounting and finance  
13 practices and rules adopted pursuant to chapter 4, article 3 of this title,  
14 but the board shall adopt written accounting practices, systems and  
15 procedures for the economic and efficient operation of the authority.

16           J. The authority is exempt from section 41-712, relating to the  
17 installation and maintenance of ~~telecommunications~~ TELECOMMUNICATION systems.

18           K. The authority may lease or purchase motor vehicles for use by  
19 employees to conduct business activities. The authority is exempt from  
20 section 41-803, relating to the state motor vehicle fleet, and title 38,  
21 chapter 3, article 10, relating to vehicle usage and markings.

22           L. Any tangible or intangible record submitted to or compiled by the  
23 board or the authority in connection with its work, including the award of  
24 monies, is subject to title 39, chapter 1, unless an applicant shows, or the  
25 board or authority determines, that specific information meets either of the  
26 following:

27           1. If made public, the information would divulge the applicant's or  
28 potential applicant's trade secrets, as defined in section 44-401.

29           2. If made public, the information could potentially harm the  
30 applicant's, THE potential applicant's or this state's competitive position  
31 relating to potential business development opportunities and strategies.

House Amendments to H.B. 2666

- 1 M. The authority is exempt from chapter 25, article 1 of this title,  
2 relating to government competition with private enterprise."  
3 Renumber to conform  
4 Page 54, strike lines 9 through 16, insert:  
5 "F. BEGINNING FROM AND AFTER JUNE 30, 2017, ON THE LAST DAY OF EACH  
6 FISCAL YEAR, THIRTY PERCENT OF THE MONIES APPROPRIATED TO THE FUND IN THE  
7 FISCAL YEAR, MINUS THE AMOUNT OF GRANTS AWARDED IN THE FISCAL YEAR FOR THE  
8 PURPOSES PRESCRIBED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, NOT TO  
9 EXCEED THE UNENCUMBERED MONIES IN THE FUND ON THE LAST DAY OF THE FISCAL  
10 YEAR, ARE RESERVED FOR GRANTS FOR THE PURPOSES PRESCRIBED IN SUBSECTION A,  
11 PARAGRAPH 2 OF THIS SECTION."  
12 Page 59, line 39, after "amended" insert "effective from and after December 31,  
13 2016,"  
14 Page 91, strike lines 40 through 43, insert:  
15 "Sec. 70. Emergency  
16 This act is an emergency measure that is necessary to preserve the  
17 public peace, health or safety and is operative immediately as provided by  
18 law."  
19 Amend title to conform

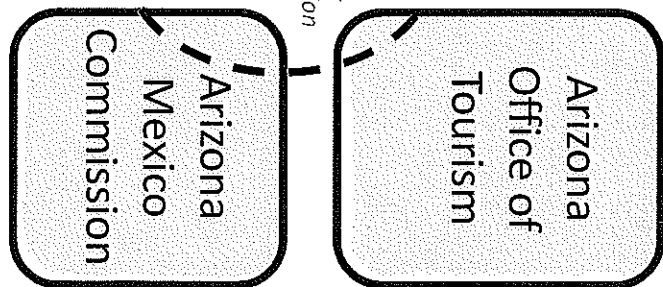
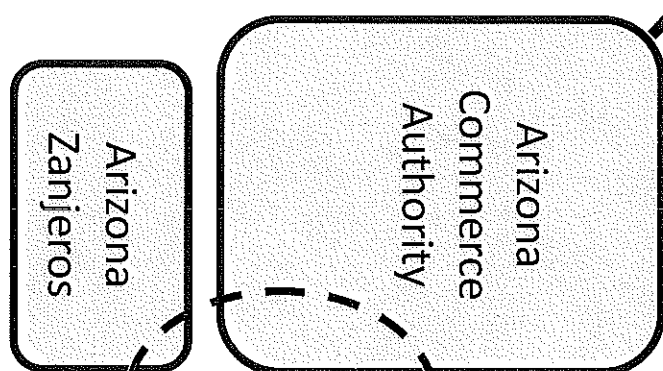
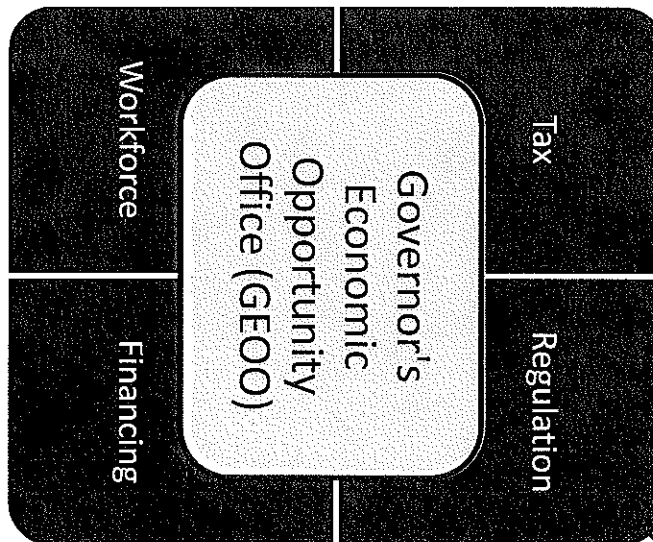
WARREN H. PETERSEN

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02/16/2016  
12:01 PM  
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Governor

GEOO and ACA President

Other Agencies



Analytics and continuous improvement

Marketing and business attraction and expansion

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2666

DATE February 17, 2016 MOTION: DPA

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     | ✓   |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      | ✓   |     |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 6   | 2   | 0       | 0      |

  
COMMITTEE SECRETARY

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2523

contact lenses; prescriptions.

Prime Sponsor: Representative Carter, LD 15

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2523 extends the expiration term for replacement soft contact lens prescriptions from one year to three years. Instructs physicians and optometrists to state any health-related reasons for issuing a prescription for a shorter term.

## PROVISIONS

1. Changes the expiration term for replacement soft contact lens prescriptions from one year to three years.
2. Requires a physician or optometrist who issues a prescription for less than three years to state the health-related reasons for the shorter expiration term.
3. Stipulates that prescription refills issued within 60 days of the expiration date be filled in accordance with the United States Food and Drug Administration's packaging standards.
4. Makes technical changes.

## CURRENT LAW

Federal and state law requires release of a contact lens prescription to the patient after an eye exam, except for documented medical reasons that require otherwise. A.R.S. § 32-1976 requires replacement soft contact lens prescriptions to be issued in the name of the prescribing physician or optometrist, the date of issue, the name of the contact lens brand and specifications that include lens type and tint. Statute prohibits any substitutions, and requires the lens be dispensed as prescribed. The expiration date is either the date on the prescription noted by the physician or optometrist or one year, whichever is earlier. Prescriptions that will expire within 60 days must be filled in a quantity that is appropriate through the prescription's expiration date. Prescriptions must include a written notice of warning and any advertisements by a pharmacy or pharmacist must include all charges associated with purchasing replacement soft contact lenses.

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2523

(Reference to printed bill)

- 1 Page 1, lines 18 and 19, strike "THREE" insert "TWO"
- 2 Line 23, strike "~~no more than the~~ A" insert "no more than the"
- 3 Line 24, strike "PRESCRIPTION'S" after "date" strike remainder of line
- 4 Strike line 25
- 5 Amend title to conform

WARREN H. PETERSEN

2523PETERSEN2  
02/09/2016  
03:01 PM  
H: dc/ajh

**FAIRNESS TO CONTACT LENS CONSUMERS ACT**

**Public Law 108-164 108th Congress**

**15 USC 7604, SEC. 5. EXPIRATION OF CONTACT LENS PRESCRIPTIONS.**

*(a) In General.--A contact lens prescription shall expire--*

*(1) on the date specified by the law of the State in which the prescription was written, if that date is one year or more after the issue date of the prescription;*

*(2) not less than one year after the issue date of the prescription if such State law specifies no date or a date that is less than one year after the issue date of the prescription;*

*or*

*(3) notwithstanding paragraphs (1) and (2), on the date specified by the prescriber, if that date is based on the medical judgment of the prescriber with respect to the ocular health of the patient.*

*(b) Special Rules for Prescriptions of Less Than 1 Year.--If a prescription expires in less than 1 year, the reasons for the judgment referred to in subsection (a)(3) shall be documented in the patient's medical record. In no circumstance shall the prescription expiration date be less than the period of time recommended by the prescriber for a reexamination of the patient that is medically necessary.*

*(c) Definition.--As used in this section, the term "issue date" means the date on which the patient receives a copy of the prescription.*

**6. Any grace period on the prescription's expiration?**

*Federal Trade Commission (FTC) Contact Lens Rule:*

<https://www.ftc.gov/tips-advice/business-center/guidance/contact-lens-rule-guide-prescribers-sellers>

**Prescription expiration**

The Rule allows prescribers to set prescription expiration dates -- one year or more from the date the prescription is issued to a patient. If applicable state law requires a specific expiration period that is longer than one year, however, the prescriber must follow that law.

A prescriber may set an expiration date of earlier than one year only if that date is based on the prescriber's medical judgment about the patient's eye health. In these cases, the prescriber must document the medical reason for the shorter expiration date with enough detail to allow for review by a qualified medical professional, and maintain the records for at least three years.

## **Who Supports HB 2523?**

- ✓ The Goldwater Institute
  - Contact: Michael Hunter – 602-622-6693
- ✓ Americans For Prosperity
  - Contact: Tom Jenney – 602-478-0146
- ✓ Arizona Free Enterprise Club
  - Contact: Scott Mussi – 480-221-3292
- ✓ Association of the U.S. Navy
  - Contact: Jon Altmann – 602-708-6289
- ✓ Libertarian Party Gubernatorial Candidate Barry Hess
  - Contact: 602-843-3827
- ✓ Former Arizona Congressman Sam Coppersmith
  - Contact: 602-381-5461
- ✓ Hundreds of thousands of Arizona contact lens consumers

# Eye Exams in Lexington and Nicholasville, KY

## Your Eye Exam Specialists in Lexington, and Nicholasville, KY

We strongly encourage everyone to get a comprehensive eye exam once a year. Even if you do not have vision problems, an eye health and vision exam can be critical in spotting and treating issues before they affect your vision. This is especially important for children who may not even realize that the problems they may be having in school are actually vision related. Our comprehensive eye exam is designed to provide a complete evaluation of your vision health.

### Why are Eye Exams Important?

During an eye exam, our optometrists are not only determining the proper prescription for your eyeglasses, but also checking your eyes for eye diseases. With some simple tests we can detect the early onset of a serious eye illness such as glaucoma. With early detection, your chances of successful treatment are much higher. Our eye doctors will also assess how your eyes work together. Your eyes can be an indicator of your overall health, and our eye doctors will evaluate if there are any health issues that affect vision such as diabetes and hypertension that you should be aware of.

### What's the Difference Between a Vision Screening and a Complete Eye Exam?

A vision screening can be helpful but it is by no means a substitute for a comprehensive eye exam. Vision screenings are used to help identify those at risk for vision problems and are often performed by a school nurse or volunteer. Even the test conducted by the clerk at the Drivers License Bureau is a form of vision screening. While these efforts can be helpful, they are not conducted by experienced professionals who have the training to detect eye disease.

A comprehensive eye examination performed by one of our optometrists involves careful testing of every aspect of your vision. The exam will give the eye doctor enough information to recommend a personal treatment plan. These exams are much more thorough than the simple vision check conducted by family physicians and pediatricians as part of a medical check-up.

Treatment plans can be as simple as recommending eyeglasses or as serious as spotting a need for eye surgery. The point is that only with a comprehensive eye exam can you be sure that your eyes are getting the best treatment available. That is why no matter who you are, annual eye exams are essential to ensure you are seeing clearly and preserving your vision for life.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2523

DATE February 17, 2016 MOTION: ~~DPA~~ **Failed**

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     | ✓   |         |        |
| Mr. Lawrence                 |      |     | ✓   |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      |     | ✓   |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      |     | ✓   |         |        |
| Mrs. Norgaard, Vice-Chairman |      |     | ✓   |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 2   | 6   | 0       | 0      |

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2613

regulatory boards; licensing; revisions

Prime Sponsor: Representative Petersen, LD 12

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2613 eliminates several occupational licenses and the related statutes. Requires a cost benefit analysis and feasibility report concerning the transfer of all nonhealth regulatory boards to a new division within the Arizona Department of Administration (ADOA).

## PROVISIONS

### ***Board of Technical Registration (BTR)***

1. Eliminates BTR-licensing and the related statutory language for *geologists, geologists-in-training, geological practice, assayers, assayers-in-training, assaying practice, landscape architects, landscape architects-in-training* and *landscape architectural practice*.
2. Confirms the lawful use of titles and other insignia that reflect professional services. Explains the restrictions on the use of *professional geologists* and *professional landscape architects* and the related services. The person must have a valid certificate of qualification issued by a national bureau of registration or certification or a degree from an accredited institution in the appropriate field.
3. Changes the make-up of the BTR by eliminating the *landscape architect* and *geologist/assayer* positions and replaces each with a public member.
4. Retains the current BTR board members' positions until their terms expire and authorizes the Governor to make future appointments.
5. Removes the requirement for the State Geologist to be registered by the BTR.

### ***Board of Funeral Directors and Embalmers***

6. Repeals the laws relating to *cremationists* and places the responsibilities with the funeral directors.

### ***Board of Athletic Training (Board)***

7. Repeals the current Athletic Training Board, all licensing and regulation.
8. Authorizes a person to practice athletic training in Arizona if the person practices under an appropriately licensed physician and is certified by a nationally accredited program.
9. Transfers the unexpended and unencumbered monies remaining in the Athletic Training Fund to the state General Fund upon passage of this legislation.

*Miscellaneous*

10. Eliminates licensing and the related statutes for *citrus fruit packers, citrus fruit dealers, and citrus fruit shippers*.
11. Removes the requirement for instructors of professional driver training schools to be licensed and to take an examination.
12. Directs ADOA to conduct a cost/benefit study regarding the transfer of all nonhealth related boards to a new licensing and regulatory division within their agency. Requires ADOA to submit a report to the Governor, Legislature and submit a copy to the Secretary of State by October 1, 2016.
13. Contains a Proposition 105 clause relating to the *Smoke-free Arizona Act*, which requires an affirmative three-fourths vote of each house of the Legislature for this section to become law.
14. Makes numerous technical and conforming changes.

**CURRENT LAW**

The BTR currently consists of the following professions: architects; assayers; engineers; geologists; home inspectors; landscape architects and surveyors. The nine-member board is appointed by the Governor to serve three-year terms. (A.R.S. § 32-102)

The Arizona Geological Survey is located near the University of Arizona. The Governor appoints the State Geologist, who is registered by BTR, and who has the education and research experience necessary to lead the agency. (A.R.S. § 27-102)

The State Board of Funeral Directors and Embalmers consists of licensed individuals and business establishments, including the funeral directors, embalmers, crematories, cremationists and their various assistants. The seven-member board is appointed by the Governor and confirmed by the Senate to serve four-year terms. (A.R.S. § 32-1302)

The five-member Board of Athletic Training is appointed by the Governor to serve five-year terms. *Athletic training* includes various prevention, evaluation, care and monitoring of athletic injuries by students and trainers under the direction of a licensed physician. The executive director of the Board of Occupational Therapy Examiners serves as the executive director of the Board of Athletic Training. Both boards jointly select an executive director. (A.R.S. § 32-4103)

A.R.S. § 32-2372 defines a *professional driver training school* as a business that educates and trains people to drive commercial motor vehicles, prepares them for an examination given by the state for a commercial driver license or instruction permit and charges a fee or tuition for the services. Currently, the director of the Arizona Department of Transportation or an authorized representative inspects the school facilities and equipment, issues licenses to the instructors and conducts examinations of applicants for instructor's licenses.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2613

(Reference to printed bill)

- 1 Page 5, strike lines 23 through 45
- 2 Strike pages 6 through 15
- 3 Page 16, strike lines 1 through 4
- 4 Renumber to conform
- 5 Page 42, strike lines 18 through 45
- 6 Strike page 43
- 7 Page 44, strike lines 1 through 7
- 8 Renumber to conform
- 9 Page 45, strike lines 26 through 44
- 10 Strike pages 46 through 48
- 11 Page 49, strike lines 1 through 18
- 12 Renumber to conform
- 13 Strike pages 53 through 56
- 14 Page 57, strike lines 1 through 34
- 15 Renumber to conform
- 16 Page 59, strike lines 17 through 45
- 17 Page 60, strike lines 1 through 35
- 18 Renumber to conform
- 19 Page 68, strike lines 30 and 31
- 20 Renumber to conform
- 21 Page 91, strike lines 23 through 27
- 22 Amend title to conform

WARREN H. PETERSEN

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PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2613

(Reference to printed bill)

1 Page 16, line 12, after "~~registration~~," insert "A PROFESSIONAL GEOLOGIST AS DEFINED  
2 IN SECTION 32-153,"

3 Page 31, line 3, strike the comma insert ":

4 1."; strike "AND" insert "MEANS A PERSON WHO HAS DONE ALL OF THE  
5 FOLLOWING:

6 (a) EARNED A GEOLOGY DEGREE FROM AN ACCREDITED EDUCATIONAL  
7 INSTITUTION.

8 (b) PARTICIPATED IN GEOLOGICAL WORK EXPERIENCE OUTSIDE OF AN  
9 EDUCATIONAL INSTITUTION FOR AT LEAST FOUR YEARS.

10 (c) PASSED THE FUNDAMENTALS OF GEOLOGY AND PRACTICE OF GEOLOGY  
11 EXAMINATIONS THAT ARE OFFERED BY THE NATIONAL ASSOCIATION OF STATE BOARDS OF  
12 GEOLOGY OR SIMILAR EXAMINATIONS THAT ARE OFFERED BY ANOTHER NATIONAL BUREAU  
13 OF REGISTRATION OR CERTIFICATION.

14 2."

15 Line 4, strike "MEAN" insert "MEANS"

16 Line 6, strike "1." insert "(a)"

17 Line 9, strike "2." insert "(b)"

18 Amend title to conform

WARREN H. PETERSEN

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1 C. An applicant for a private vocational program license shall submit  
2 evidence of meeting the requirements prescribed in subsection B of this  
3 section to the board. The board shall verify the evidence submitted.  
4 Verification shall include on-site verification.

5 D. The filing of an application grants the board the authority to  
6 obtain information from any of the following:

7 1. A licensing board or agency in any state, district, territory or  
8 county of the United States or any foreign country.

9 2. The Arizona criminal justice information system as defined in  
10 section 41-1750.

11 3. The federal bureau of investigation.

12 E. The board, on application, may issue a private vocational program  
13 license to a new educational institution as provided in this section, except  
14 that the board shall establish separate minimum standards for licensure  
15 requirements of new educational institutions. These minimum standards may  
16 include the modification of licensure requirements as provided in subsection  
17 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of  
18 new educational institutions. The board shall monitor the new educational  
19 institution to ensure compliance with the licensure requirements. The board  
20 shall issue a private vocational program license as provided in this  
21 subsection one time only to new educational institutions.

22 F. This section does not apply to any of the following:

23 1. A school licensed pursuant to chapter 3 or 5 of this title.

24 2. An instructional program or course sponsored by a bona fide trade  
25 association solely for its members.

26 3. Privately owned academic schools engaged in the process of general  
27 education that is designed to produce a level of development equivalent to  
28 that necessary to meet the requirements for entrance into a public community  
29 college or public university in this state and that may incidentally offer  
30 technical and vocational courses as part of the curriculum.

31 4. Schools or private instruction conducted by any person engaged in  
32 training, tutoring or teaching individuals or groups, if the instruction is

1 related to hobbies, avocations, academic improvement or recreation and may  
2 only incidentally lead to gainful employment and if the instruction is for a  
3 period of under forty hours and costs less than one thousand dollars.

4 5. Schools conducted by any person solely for training the person's  
5 own employees.

6 6. An instructional program or course offered solely for employees and  
7 for the purpose of improving the employees in their employment if both of the  
8 following apply:

9 (a) The employee is not charged a fee.

10 (b) The employer provides or funds the program or course pursuant to a  
11 valid written contract between the employer and a program or course provider.

12 7. Training conducted pursuant to 14 Code of Federal Regulations  
13 part 141.

14 8. A school that solely provides an instructional program for  
15 certified nursing assistants and licensed nursing assistants and is licensed  
16 by the nursing board pursuant to section 32-1606, subsection B, paragraph 11.

17 9. A professional driving training school licensed by the department  
18 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

19 10. A training program approved by the board of examiners of nursing  
20 care institution administrators and assisted living facility managers that  
21 solely provides training for managers and caregivers of assisted living  
22 facilities.

23 11. A YOGA TEACHER TRAINING COURSE OR PROGRAM OR A YOGA INSTRUCTIONAL  
24 COURSE OR PROGRAM."

25 Renumber to conform

26 Amend title to conform

WARREN H. PETERSEN

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PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2613

(Reference to printed bill)

1 Page 45, between lines 25 and 26, insert:

2 "Sec. 35. Section 32-3021, Arizona Revised Statutes, as amended by  
3 Laws 2011, chapter 141, section 1, is amended to read:

4 32-3021. Private vocational program license; qualifications;  
5 provision of information; exemptions

6 A. A person shall not operate a private vocational program unless the  
7 person holds a private vocational program license issued pursuant to this  
8 chapter. Each program offered by a private vocational program licensee shall  
9 be authorized on a private vocational program license. The board shall  
10 prescribe the manner in which the programs shall be identified on the  
11 license.

12 B. An applicant for a private vocational program license shall meet  
13 all of the following requirements:

14 1. Furnish a letter of credit, surety bond or cash deposit as provided  
15 in section 32-3023.

16 2. Make specific information concerning educational programs,  
17 including statements of purpose, objectives, course of study, policies, fees  
18 and other pertinent information, available to prospective students and the  
19 general public.

20 3. Be financially responsible and have management capability.

21 4. Maintain a qualified faculty.

22 5. Maintain facilities, equipment and materials that are appropriate  
23 for the stated program. All facilities shall meet applicable state and local  
24 health and safety laws.

25 6. Maintain appropriate records as the board prescribes that are  
26 properly safeguarded and preserved.

1           7. Use only advertisements that are consistent with the information  
2 made available as provided in paragraph 2 of this subsection.

3           8. Provide courses of instruction that meet stated objectives.

4           9. Provide a grievance procedure for students.

5           10. Comply with all federal and state laws relating to the operation of  
6 a private postsecondary educational institution.

7           11. Other requirements the board deems necessary.

8           C. An applicant for a private vocational program license shall submit  
9 evidence of meeting the requirements prescribed in subsection B of this  
10 section to the board. The board shall verify the evidence submitted.  
11 Verification shall include on-site verification.

12           D. The filing of an application grants the board the authority to  
13 obtain information from any of the following:

14           1. A licensing board or agency in any state, district, territory or  
15 county of the United States or any foreign country.

16           2. The Arizona criminal justice information system as defined in  
17 section 41-1750.

18           3. The federal bureau of investigation.

19           E. The board, on application, may issue a private vocational program  
20 license to a new educational institution as provided in this section, except  
21 that the board shall establish separate minimum standards for licensure  
22 requirements of new educational institutions. These minimum standards may  
23 include the modification of licensure requirements as provided in subsection  
24 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of  
25 new educational institutions. The board shall monitor the new educational  
26 institution to ensure compliance with the licensure requirements. The board  
27 shall issue a private vocational program license as provided in this  
28 subsection one time only to new educational institutions.

29           F. This section does not apply to any of the following:

30           1. A school licensed pursuant to chapter 3 or 5 of this title.

31           2. An instructional program or course sponsored by a bona fide trade  
32 association solely for its members.

1           3. Privately owned academic schools engaged in the process of general  
2 education that is designed to produce a level of development equivalent to  
3 that necessary to meet the requirements for entrance into a public community  
4 college or public university in this state and that may incidentally offer  
5 technical and vocational courses as part of the curriculum.

6           4. Schools or private instruction conducted by any person engaged in  
7 training, tutoring or teaching individuals or groups, if the instruction is  
8 related to hobbies, avocations, academic improvement or recreation and may  
9 only incidentally lead to gainful employment and if the instruction is for a  
10 period of under forty hours and costs less than one thousand dollars.

11           5. Schools conducted by any person solely for training the person's  
12 own employees.

13           6. An instructional program or course offered solely for employees and  
14 for the purpose of improving the employees in their employment if both of the  
15 following apply:

16           (a) The employee is not charged a fee.

17           (b) The employer provides or funds the program or course pursuant to a  
18 valid written contract between the employer and a program or course provider.

19           7. Training conducted pursuant to 14 Code of Federal Regulations  
20 part 141.

21           8. A school that solely provides an instructional program for  
22 certified nursing assistants and is licensed by the nursing board pursuant to  
23 section 32-1606, subsection B, paragraph 11.

24           9. A professional driving training school licensed by the department  
25 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

26           10. A training program approved by the board of examiners of nursing  
27 care institution administrators and assisted living facility managers that  
28 solely provides training for managers and caregivers of assisted living  
29 facilities.

30           11. A YOGA TEACHER TRAINING COURSE OR PROGRAM OR A YOGA INSTRUCTIONAL  
31 COURSE OR PROGRAM.

1           Sec. 36. Section 32-3021, Arizona Revised Statutes, as amended by Laws  
2   2015, chapter 262, section 20, is amended to read:

3           32-3021. Private vocational program license; qualifications;  
4                   provision of information; exemptions

5           A. A person shall not operate a private vocational program unless the  
6   person holds a private vocational program license issued pursuant to this  
7   chapter. Each program offered by a private vocational program licensee shall  
8   be authorized on a private vocational program license. The board shall  
9   prescribe the manner in which the programs shall be identified on the  
10   license.

11          B. An applicant for a private vocational program license shall meet  
12   all of the following requirements:

13           1. Furnish a letter of credit, surety bond or cash deposit as provided  
14   in section 32-3023.

15           2. Make specific information concerning educational programs,  
16   including statements of purpose, objectives, course of study, policies, fees  
17   and other pertinent information, available to prospective students and the  
18   general public.

19           3. Be financially responsible and have management capability.

20           4. Maintain a qualified faculty.

21           5. Maintain facilities, equipment and materials that are appropriate  
22   for the stated program. All facilities shall meet applicable state and local  
23   health and safety laws.

24           6. Maintain appropriate records as the board prescribes that are  
25   properly safeguarded and preserved.

26           7. Use only advertisements that are consistent with the information  
27   made available as provided in paragraph 2 of this subsection.

28           8. Provide courses of instruction that meet stated objectives.

29           9. Provide a grievance procedure for students.

30           10. Comply with all federal and state laws relating to the operation of  
31   a private postsecondary educational institution.

32           11. Other requirements the board deems necessary.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2613

(Reference to printed bill)

- 1 Page 5, strike lines 23 through 45
- 2 Strike pages 6 through 91
- 3 Amend title to conform

DIEGO ESPINOZA

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**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2613

DATE February 17, 2016 MOTION: DPA

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     | ✓   |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      |     | ✓   |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 5   | 3   | 0       | 0      |

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2215

trade or commerce; technical correction  
Prime Sponsor: Representative Kern, LD 20

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X Committee on Commerce

Caucus and COW

House Engrossed

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**STRIKE-EVERYTHING SUMMARY**

HB 2215 instructs the Director of the Department of Liquor Licenses and Control (Director) to report the use of monies collected through surcharges to the Arizona State Liquor Board (Board).

**PROVISIONS**

1. Requires the Director to report the use of monies collected through enforcement surcharges on license renewals to the Board.
2. Makes technical changes.

**CURRENT LAW**

Title 4, Chapter 2, Article 1 regulates the issuance of liquor licenses and instructs the Director to report the activities of the neighborhood association interaction and liquor enforcement management unit to the Board. A \$35 surcharge on liquor license renewals provides monies to the Enforcement Unit Fund, which covers the costs of the enforcement program.

The Arizona Department of Liquor Licenses and Control (Department) licenses, investigates and regulates the production, distribution and sale of alcoholic beverages in order to meet its mission to protect public safety and support economic growth through the responsible sale and consumption of liquor, and to efficiently license qualified applicants. The Department consists of three divisions: the Administration Division, the Licensing Division and the Investigations Division.

The Board operates independently from the Department and consists of seven members appointed by the Governor and confirmed by the Senate to serve three-year terms. An executive director administers the daily functions. The Board is responsible for hearing all liquor license applications that are protested by the public, governing body of a city, town or county or the Department's director. The Board may also protest an application and review appeals made against a decision made by the director. As of August 2014, there were 11,914 active licenses under the Department.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2215

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 4-209, Arizona Revised Statutes, is amended to  
3 read:

4 4-209. Fees for license, application, issuance, renewal and  
5 transfer; late renewal penalty; seasonal operation;  
6 surcharges

7 A. A fee shall accompany an application for an original license or  
8 transfer of a license, or in case of renewal, shall be paid in advance.  
9 Every license expires annually, except that a license may be renewed for a  
10 two-year period pursuant to subsection M of this section if no compliance  
11 penalties have been issued to that location during the year before the  
12 renewal. A licensee who fails to renew the license on or before the due date  
13 shall pay a penalty of one hundred fifty dollars which the licensee shall pay  
14 with the renewal fee. A license renewal that is deposited, properly  
15 addressed and postage prepaid in an official depository of the United States  
16 mail on or before the due date shall be deemed filed and received by the  
17 department on the date shown by the postmark or other official mark of the  
18 United States postal service stamped on the envelope. If the due date falls  
19 on a Saturday, Sunday or other legal holiday, the renewal shall be considered  
20 timely if it is received by the department on the next business day. The  
21 director may waive a late renewal penalty if good cause is shown by the  
22 licensee. A licensee who fails to renew the license on or before the due  
23 date may not sell, purchase or otherwise deal in spirituous liquor until the

1 license is renewed. A license that is not renewed within sixty days after  
2 the due date is deemed terminated. The director may renew the terminated  
3 license if good cause is shown by the licensee. An application fee for an  
4 original license or the transfer of a license shall be one hundred dollars,  
5 which shall be retained by this state.

6 B. Issuance fees for original licenses shall be:

7 1. For an in-state producer's license, to manufacture or produce  
8 spirituous liquor in this state, one thousand five hundred dollars.

9 2. Except as provided in paragraph 15 of this subsection, for an  
10 out-of-state producer's, exporter's, importer's or rectifier's license, two  
11 hundred dollars.

12 3. For a microbrewery license, three hundred dollars.

13 4. For a wholesaler's license, to sell spirituous liquors, one  
14 thousand five hundred dollars.

15 5. For a government license issued in the name of a state agency,  
16 state commission, state board, county, city, town, community college or state  
17 university or the national guard, one hundred dollars.

18 6. For a bar license, which is an on-sale retailer's license to sell  
19 all spirituous liquors primarily by individual portions and in the original  
20 containers, one thousand five hundred dollars.

21 7. For a beer and wine bar license, which is an on-sale retailer's  
22 license to sell beer and wine primarily by individual portions and in the  
23 original containers, one thousand five hundred dollars.

24 8. For a conveyance license issued to an operating railroad company,  
25 to sell all spirituous liquors in individual portions or in the original  
26 containers on all passenger trains operated by the railroad company, or to an  
27 operating airline company, to sell or serve spirituous liquors solely in  
28 individual portions on all passenger planes operated by the airline company,  
29 or to a boat operating in the waters of this state, to sell all spirituous  
30 liquors in individual portions or in the original containers for consumption  
31 on the boat, one thousand five hundred dollars.

9. For a liquor store license, which is an off-sale retailer's license to sell all spirituous liquors, one thousand five hundred dollars.

10. For a beer and wine store license, which is an off-sale retailer's license to sell beer and wine, one thousand five hundred dollars.

11. For a hotel-motel license issued as such, to sell and serve spirituous liquors solely for consumption on the licensed premises of the hotel or motel, one thousand five hundred dollars.

12. For a restaurant license issued as such, to sell and serve spirituous liquors solely for consumption on the licensed premises of the restaurant, one thousand five hundred dollars.

13. For a farm winery license, one hundred dollars. The director may charge a licensed farm winery a fee pursuant to section 4-205.04, subsection ~~D, E or F~~ L.

14. For a club license issued in the name of a bona fide club qualified under this title to sell all spirituous liquors on-sale, one thousand dollars.

15. For an out-of-state winery that sells not more than two hundred forty gallons of wine in this state in a calendar year, twenty-five dollars.

16. The department may charge a fee for a craft distiller license.

C. The department may issue licenses with staggered renewal dates to distribute the renewal workload as uniformly as practicable throughout the twelve months of the calendar year. If a license is issued less than six months before the scheduled renewal date of the license, as provided by the department's staggered license renewal system, one-half of the annual license fee shall be charged.

D. The annual fees for licenses shall be:

1. For an in-state producer's license, to manufacture or produce spirituous liquors in this state, three hundred fifty dollars.

2. Except as provided in paragraph 15 of this subsection, for an out-of-state producer's, exporter's, importer's or rectifier's license, fifty dollars.

3. For a microbrewery license, three hundred dollars.

1           4. For a wholesaler's license, to sell spirituous liquors, two hundred  
2 fifty dollars.

3           5. For a government license issued to a county, city or town,  
4 community college or state university or the national guard, one hundred  
5 dollars.

6           6. For a bar license, which is an on-sale retailer's license to sell  
7 all spirituous liquors primarily by individual portions and in the original  
8 containers, one hundred fifty dollars.

9           7. For a beer and wine bar license, which is an on-sale retailer's  
10 license to sell beer and wine primarily by individual portions and in the  
11 original containers, seventy-five dollars.

12           8. For a conveyance license issued to an operating railroad company,  
13 to sell all spirituous liquors in individual portions or in the original  
14 containers on all passenger trains operated by the railroad company, or to an  
15 operating airline company, to sell or serve spirituous liquors solely in  
16 individual portions on all passenger planes operated by the airline company,  
17 or to a boat operating in the waters of this state, to sell all spirituous  
18 liquor in individual portions or in the original containers for consumption  
19 on the boat, two hundred twenty-five dollars.

20           9. For a liquor store license, which is an off-sale retailer's license  
21 to sell all spirituous liquors, fifty dollars.

22           10. For a beer and wine store license, which is an off-sale retailer's  
23 license to sell beer and wine, fifty dollars.

24           11. For a hotel-motel license issued as such, to sell and serve  
25 spirituous liquors solely for consumption on the licensed premises of the  
26 hotel or motel, five hundred dollars.

27           12. For a restaurant license issued as such, to sell and serve  
28 spirituous liquors solely for consumption on the licensed premises of the  
29 restaurant, five hundred dollars, and for a restaurant license that is  
30 permitted to continue operating as a restaurant pursuant to section 4-213,  
31 subsection E, an additional amount established by the director. The

1 department shall transfer this amount to the state treasurer for deposit in  
2 the state general fund.

3 13. For a farm winery license, one hundred dollars. The director may  
4 charge a licensed farm winery an annual fee pursuant to section 4-205.04,  
5 subsection D, ~~E or F~~ L.

6 14. For a club license issued in the name of a bona fide club qualified  
7 under this title to sell all spirituous liquors on-sale, one hundred fifty  
8 dollars.

9 15. For an out-of-state winery that sells not more than two hundred  
10 forty gallons of wine in this state in a calendar year, twenty-five dollars.

11 16. The director may charge a fee for the annual renewal of a craft  
12 distiller license.

13 E. Where the business of an on-sale retail licensee is seasonal, not  
14 extending over periods of more than six months in any calendar year, the  
15 licensee may designate the periods of operation, and a license may be granted  
16 for those periods only, on payment of one-half of the fee prescribed in  
17 subsection D of this section.

18 F. Transfer fees from person to person for licenses transferred  
19 pursuant to section 4-203, subsection C shall be three hundred dollars.

20 G. Transfer fees from location to location, as provided for in section  
21 4-203, shall be one hundred dollars.

22 H. Assignment fees for a change of agent, as provided for in section  
23 4-202, subsection C, shall be one hundred dollars, except that where a  
24 licensee holds multiple licenses the assignment fee for the first license  
25 shall be one hundred dollars and the assignment fee for all remaining  
26 licenses transferred to the same agent shall be fifty dollars each, except  
27 that the aggregate assignment fees shall in no event exceed one thousand  
28 dollars.

29 I. No fee shall be charged by the department for an assignment of a  
30 liquor license in probate or an assignment pursuant to the provisions of a  
31 will or pursuant to a judicial decree in a domestic relations proceeding  
which THAT assigns ownership of a business which THAT includes a spirituous

1 liquor license to one of the parties in the proceeding. In the case of  
2 nontransferable licenses no fee shall be charged by the department for the  
3 issuance of a license for a licensed business pursuant to a transfer of the  
4 business in probate or pursuant to the provisions of a will or pursuant to a  
5 judicial decree in a domestic relations proceeding which THAT assigns  
6 ownership of the business to one of the parties in the proceeding.

7 J. The director shall assess a surcharge of thirty dollars on all  
8 licenses prescribed in subsection D, paragraphs 6, 7 and 12 of this section.  
9 Monies from the surcharge shall be used by the department exclusively for the  
10 costs of an auditor and support staff to review compliance by applicants and  
11 licensees with the requirements of section 4-205.02, subsection E. The  
12 department shall assess the surcharge as part of the annual license renewal  
13 fee.

14 K. The director shall assess a surcharge of thirty-five dollars on all  
15 licenses prescribed in this section. Monies from the surcharge shall be used  
16 by the department exclusively for the costs of an enforcement program to  
17 investigate licensees who have been the subject of multiple complaints to the  
18 department. The enforcement program shall respond to complaints against  
19 licensees by neighborhood associations, by neighborhood civic groups and from  
20 municipal and county governments. The department shall assess the surcharge  
21 as part of the annual license renewal fee.

22 L. The director shall assess a surcharge of twenty dollars on all  
23 licenses prescribed in subsection D, paragraphs 11 and 12 of this section and  
24 thirty-five dollars on all other licenses prescribed in this section. Monies  
25 from the surcharge and from surcharges imposed pursuant to subsection K of  
26 this section shall be used by the department exclusively for the costs of a  
27 neighborhood association interaction and liquor enforcement management unit.  
28 The unit shall respond to complaints from neighborhood associations,  
29 neighborhood civic groups and local governing authorities regarding liquor  
30 violations. The director shall report the unit's activities AND THE USE OF  
31 MONIES FROM THE SURCHARGE OR SURCHARGES IMPOSED PURSUANT TO SUBSECTION K OF  
32 THIS SECTION to the board at each board meeting or as the board may direct.

House Amendments to H.B. 2215

1 M. Licenses may be renewed every two years with payment of license  
2 fees that are twice the amount designated in subsection D of this section and  
3 other applicable fees. Licensees renewing every two years must comply with  
4 annual reporting requirements. The director may adopt reasonable rules to  
5 permit licensees to renew every two years."  
6 Amend title to conform

WARREN H. PETERSEN

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**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON COMMERCE BILL NO. HB 2215

DATE February 17, 2016 MOTION: DRAS/E

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     | ✓   |         |        |
| Mr. Lawrence                 |      |     |     |         | —      |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      | ✓   |     |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 5   | 2   | 0       | 1      |

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2191

real estate; fund; prosecutor

Prime Sponsor: Representative Finchem, LD 11

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X Committee on Commerce

Caucus and COW

House Engrossed

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## STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2191 restricts a city, town or county (municipality) from adopting any kind of regulation that requires an adjustment to an employee's schedule.

## PROVISIONS

1. Prohibits a municipality from adopting any ordinance, resolution or other regulation that requires an employer to adjust an employee's schedule, unless the change is required by state or federal law.
2. Deems the regulation of employee scheduling to be a matter of statewide concern that is not subject to further regulation by any municipality.
3. Clarifies the legislation does not affect a municipality's ability to alter its own employee schedules.

## CURRENT LAW

A.R.S. § 23-204 prescribes the employment practices and working conditions for Arizona's employees. The statute declares that employee benefits, including compensation, paid and unpaid leave, other absences, meal breaks, rest periods and their regulation are of statewide concern. Any further regulation of employee benefits is not subject to further regulation by a city, town or other political subdivision of this state; however, the provisions of law do not apply to a municipality's own employees.



PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2191

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 23, chapter 2, article 1, Arizona Revised Statutes,  
3 is amended by adding section 23-205, to read:

4 23-205. Employee scheduling; state preemption; exemption

5 A. A CITY, TOWN OR COUNTY MAY NOT ADOPT AN ORDINANCE, RESOLUTION OR  
6 OTHER REGULATION THAT REQUIRES AN EMPLOYER TO ALTER OR ADJUST ANY EMPLOYEE  
7 SCHEDULING UNLESS THE ALTERATION OR ADJUSTMENT IS REQUIRED BY STATE OR  
8 FEDERAL LAW. THE REGULATION OF EMPLOYEE SCHEDULING IS A MATTER OF STATEWIDE  
9 CONCERN AND IS NOT SUBJECT TO FURTHER REGULATION BY A CITY, TOWN OR COUNTY.

10 B. THIS SECTION DOES NOT PROHIBIT CITY, TOWN OR COUNTY SCHEDULING  
11 REQUIREMENTS THAT APPLY TO EMPLOYEES OF THE CITY, TOWN OR COUNTY."

12 Amend title to conform

WARREN H. PETERSEN

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C: LD

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2191

DATE February 17, 2016 MOTION: DPA 8/5

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      | ✓   |     |         |        |
| Mr. Lawrence                 |      |     |     |         | —      |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      |     | ✓   |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 5   | 2   | 0       | 1      |

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2222

employment security; omnibus  
Prime Sponsor: Representative Fann, LD 1

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X Committee on Commerce

Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2222 modifies the employment appeals process, repeals the surtax for the Shared Work Program, clarifies the requirements for unemployment benefits and transfers the State Apprenticeship Program from the Arizona Commerce Authority to the Department of Economic Security (DES).

## **PROVISIONS**

1. Eliminates the appeals board's review of its own decision on an appeal before parties are allowed to apply for judicial review.
2. Transfers the statutory authority of the State Apprenticeship Program from the Arizona Commerce Authority to DES.
3. Repeals A.R.S. § 23-765, which increased the contribution rates for employers who participate in the Shared Work Program, effective January 1, 2017.
4. Authorizes a majority of the members of the DES appeals board to issue an appeal's decision, instead of requiring three or more members to issue a decision.
5. Allows the appeals board to have up to four members.
6. Instructs employers who wish to appeal DES' refusal to grant relief for the submission of contribution and wage reports to file the appeal either electronically or in writing.
7. Increases the requirement for unemployment benefits to four work search contacts per week and clarifies that the work search contacts must be made on four different days of the week.
8. Makes technical and conforming changes.

## **CURRENT LAW**

A.R.S. § 23-672(F) allows a party that is dissatisfied with the decision of the appeals board to request a review within 30 days of the decision. The appeals board is required to notify all parties of the request for review and allow 15 days from the date of the notice for the parties to respond. All parties are given written notice by mail of the decision on the review.

A.R.S. § 41-1993(B) allows any party aggrieved by decision on review of the appeals board to file an application for appeal to the court of appeals within 30 days of the date of the decision on review.

A.R.S. § 23-765 increases the contribution rates for employers who participate in the Shared Work Program by 1% if the employer's negative reserve ratio is between 5% and 15% or by 2% if the negative reserve ratio is greater than 15%.

Fifty-second Legislature  
Second Regular Session

Commerce

## **HB 2222**

A.R.S. § 23-771 requires unemployed individuals to engage in work search activities during at least four days per week and to make at least three work search contacts per week.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2222

(Reference to printed bill)

1 Page 4, between lines 7 and 8, insert:

2 "Sec. 3 Section 23-726, Arizona Revised Statutes, is amended to read:

3 23-726. Contributions; voluntary payment

4 A. Contributions shall accrue and become payable by each employer for  
5 each calendar year in which the employer is subject to this chapter with  
6 respect to wages for employment. The contributions shall become due and be  
7 paid by each employer to the commission for the fund in accordance with such  
8 regulations as the commission prescribes, and shall not be deducted, in whole  
9 or in part, from the wages of individuals in the employer's employ.

10 B. In the payment of contributions, a fractional part of a cent shall  
11 be disregarded unless it amounts to one-half cent or more in which case it  
12 shall be increased to one cent. From and after December 31, 2004, the  
13 payment of contributions or job training employer taxes is not required if  
14 the quarterly amount of the contributions and taxes is less than ten dollars.

15 C. An employer may make voluntary payments in addition to the  
16 contributions required under this chapter that shall be credited to the  
17 employer's account in accordance with commission regulation. The voluntary  
18 payments shall be included in the employer's account as of the employer's  
19 most recent computation date if they are made on or before the following  
20 January 31. Voluntary payments when accepted from an employer will not be  
21 refunded in whole or in part.

22 D. THE PAYMENT OF CONTRIBUTIONS IS NOT REQUIRED IF THE QUARTERLY  
23 AMOUNT OF THE CONTRIBUTION OR TAXES IS LESS THAN TEN DOLLARS."

24 Renumber to conform

1 Page 10, after line 42, insert:

2           Sec. 8. Retroactivity

3           Section 23-726, Arizona Revised Statutes, as amended by this act, is  
4       effective retroactively to from and after December 31, 2015."

5 Amend title to conform

WARREN H. PETERSEN

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02/15/2016

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**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2222

DATE February 17, 2016 MOTION: DDA

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      | ✓   |     |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      | ✓   |     |         |        |
| Ms. Plumlee                  |      | ✓   |     |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 8   | 0   | 0       | 0      |

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2652

independent contractors; criteria

Prime Sponsor: Representative Norgaard, LD 18

X Committee on Commerce

Caucus and COW

House Engrossed

## OVERVIEW

HB 2652 defines a Qualified Marketplace Contractor as an independent contractor for purposes of all state and local laws, tax payments, insurance coverage and other employment purposes.

## PROVISIONS

1. Establishes a *Qualified Marketplace Contractor* as an independent contractor for purposes of state and local laws as well as ordinances and regulations. Additionally, it includes unemployment insurance coverage and workers' compensation laws.
2. Outlines the specific qualifications as follows:
  - a. The payment for services includes all or substantially all of the services performed.
  - b. A written contract is in effect between the contractor and a qualified marketplace platform when the contract provides all of the following:
    - i. The contractor is providing services as an independent contractor, not as an employee.
    - ii. Any payments to the contractor are for services rendered.
    - iii. The contract may require work during the work hours or schedule set by the contractor.
    - iv. The contract does not restrict the contractor from working for another company or person.
    - v. The contractor pays all or substantially all expenses related to the work or services.
    - vi. The contractor is responsible for payment of all income-related taxes.
    - vii. Either party may terminate the contract at any time, with reasonable notice.
3. Stipulates that, before the effective date of this legislation, a Qualified Marketplace Contractor is an independent contractor and must be treated as such if all payments to the contractor relate to the services actually performed. Additionally, there must be a written contract between the parties that conforms to the provisions of this legislation.
4. Defines pertinent terms.

## CURRENT LAW

A.R.S. § 23-613.01 defines an *employee* as a person performing services for an employer subject to the direction, rule or control of the employer in both method and final result. Statute describes *control* as setting the employee's work hours, work location, right to perform services for other employers, use of certain tools, equipment, materials, expenses and use of other workers. Statute also lists individuals that do not fall into the category of *employee*, such as independent contractors, business people, agents or consultants, or those working in an independent trade, skill or occupation, including sports officials among others.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2652

DATE February 17, 2016 MOTION: DP

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      | ✓   |     |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      | ✓   |     |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 7   | 1   | 0       | 0      |

  
COMMITTEE SECRETARY

APPROVED:



WARREN H. PETERSEN, Chairman  
JILL NORGAAUD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2259

mobile home removal; licensure; noncompliance

Prime Sponsor: Representative Brophy McGee, LD 28

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2259 states that a person removing a mobile home from a mobile home park (Park) must have prior clearance by the landlord.

## PROVISIONS

1. Prohibits a person from removing a mobile home from a Park without first obtaining clearance from the landlord. A person commits *criminal trespass* in the third degree for failure to comply with the landlord's demand to leave the premises.
2. States that an applicant who has been convicted or entered a plea of no contest to a felony or crime cannot obtain a dealer or salesperson's license if the conviction involves moral turpitude and is substantially related to duties of the licensed activity.
3. Specifies disciplinary action is necessary if a licensee:
  - a. Commits a wrongful or fraudulent act in conjunction with a sale, transfer or relocation of a mobile home.
  - b. Causes a resident to violate the rental agreement in order to sell the mobile home.
  - c. Misrepresents the terms of the sale of the mobile home to a resident's landlord if disclosure is required.
  - d. Fails to restore the mobile home space as noted in the rental agreement, Park rules or state law.
4. Makes technical changes.

## CURRENT LAW

A.R.S. § 33-1451 requires tenants to maintain the condition of the mobile home space and outlines rules of conduct within the rented space. Tenants are instructed to give notice of non-renewal at least 30 days before the expiration of the rental agreement. The tenant must receive clearance from the landlord before removing the mobile home.

A.R.S. § 13-1502 stipulates that a person commits *criminal trespass* in the third degree when the person knowingly enters or remains on the property when asked to leave. The action is a class 3 misdemeanor.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2259

(Reference to printed bill)

- 1 Page 1, lines 36 and 37, strike "RECEIVING FROM THE LANDLORD" insert "SATISFYING
- 2 THE REQUIREMENTS FOR"
- 3 Strike lines 41 through 45
- 4 Strike page 2
- 5 Page 3, strike lines 1 through 16
- 6 Renumber to conform
- 7 Page 5, strike lines 1 through 10
- 8 Amend title to conform

WARREN H. PETERSEN

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H: DC/KB/rca

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2259

DATE February 17, 2016

MOTION: DPA

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     | ✓   |         |        |
| Mr. Lawrence                 |      | ✓   |     |         |        |
| Ms. Mach                     |      |     | ✓   |         |        |
| Ms. Plumlee                  |      |     | ✓   |         |        |
| Mr. Rivero                   |      | ✓   |     |         |        |
| Mr. Shope                    |      | ✓   |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      | ✓   |     |         |        |
| Mr. Petersen, Chairman       |      | ✓   |     |         |        |
|                              |      | 5   | 3   | 0       | 0      |

APPROVED: \_\_\_\_\_



WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2148

minimum wage; nonmonetary compensation.

Prime Sponsor: Representative Fann, LD 1

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X Committee on Commerce

Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2148 includes the fair value of board, lodging and other facilities as determined by the Industrial Commission of Arizona (ICA) in considering an employee's wages.

## **PROVISIONS**

1. Defines *wage* to include the reasonable employer costs to furnish an employee with board, lodging or other facilities that are customarily furnished by the employer.
2. Permits the ICA to determine the fair value of the board, lodging and other facilities for defined classes of employees in areas based on the following:
  - a. The average cost to the employer or to employer groups similarly situated.
  - b. The average values to groups of employees.
  - c. Other appropriate measures of fair value.
3. Requires the determination of fair value to be used in lieu of the actual wage paid to an employee.
4. Stipulates that a collective bargaining agreement that applies to the employee, and does not include board, lodging and facilities, is excluded from the definition of *wage*.
5. Contains a Proposition 105 clause.

## **CURRENT LAW**

A.R.S. § 23-362 defines *wage* in the minimum wage statutes, as monetary compensation due to the employee, including commissions, but excluding tips or gratuities. A.R.S. § 23-364 became effective January 1, 2007, as a result of the passage of Proposition 202, the "Raise the Arizona Minimum Wage for Working Arizonans Act," and the ICA was given authority to enforce and implement the Act. Effective January 1, 2016, Arizona's minimum wage is \$8.05 per hour, while the federal minimum wage for covered nonexempt employees is \$7.25 per hour. The federal minimum wage provisions are contained in the Fair Labor Standards Act (FLSA).

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2148

DATE February 17, 2016 MOTION: ~~DP~~  
HELD

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     |     |         |        |
| Mr. Lawrence                 |      |     |     |         |        |
| Ms. Mach                     |      |     |     |         |        |
| Ms. Plumlee                  |      |     |     |         |        |
| Mr. Rivero                   |      |     |     |         |        |
| Mr. Shope                    |      |     |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      |     |     |         |        |
| Mr. Petersen, Chairman       |      |     |     |         |        |
|                              |      |     |     |         |        |

APPROVED:

  
COMMITTEE SECRETARY

\_\_\_\_\_  
WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2232

job training fund; lottery revenues

Prime Sponsor: Representative Bolding, LD 27

---

X Committee on Commerce  
Committee on Appropriations  
Caucus and COW  
House Engrossed

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## STRIKE-EVERYTHING SUMMARY

HB 2232 limits the amount of fees condominium and planned community associations (HOAs) can charge their members to one-half of the regular monthly assessment.

## PROVISIONS

1. States that late fees, penalties, interest, charges, costs or fees, or attorney fees charged by an HOA cannot exceed one-half of the regular monthly general assessment.
2. Instructs HOAs using an annual regular general assessment to use a monthly pro rata formula when calculating applicable fees.
3. Allows an exception for the liability of actual assessments.
4. Makes conforming changes.

## CURRENT LAW

A.R.S. § 33-1242 allows a condominium HOA to impose charges for late payment for assessments, and impose reasonable fees for violations of the declarations or bylaws and rules. The statutes also allow reasonable charges for the preparation and recordation of amendments or statements of unpaid assessments.

A.R.S. §33-1803 specifies that charges for late payments on assessments are limited to the greater of \$15 or 10% of the amount of the unpaid assessment. A payment is late if it remains unpaid 15 days after its due date. An HOA for a planned community association may impose reasonable monetary penalties for violations of the declaration, bylaws and rules of the association. If the penalties remain unpaid, the HOA can charge a late fee equal to the greater of \$15 or 10% of the unpaid amount.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2232

DATE February 17, 2016 MOTION: HELD

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     |     |         |        |
| Mr. Lawrence                 |      |     |     |         |        |
| Ms. Mach                     |      |     |     |         |        |
| Ms. Plumlee                  |      |     |     |         |        |
| Mr. Rivero                   |      |     |     |         |        |
| Mr. Shope                    |      |     |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      |     |     |         |        |
| Mr. Petersen, Chairman       |      |     |     |         |        |
|                              |      |     |     |         |        |

APPROVED:

  
COMMITTEE SECRETARY

\_\_\_\_\_  
WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2513

condominiums; exterior changes; approval

Prime Sponsor: Representative Rivero, LD 21

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2513 prohibits condominium owners from making changes to the exterior appearance of a unit without a majority vote of approval from the members of the HOA.

## PROVISIONS

1. Stipulates that condominium owners must receive approval by a majority vote from members of the HOA before changing the exterior appearance of a unit.
2. Specifies that condominium owners are able to make interior alterations to their unit if it does not impair the structural integrity or mechanical systems.
3. Makes technical changes.

## CURRENT LAW

A.R.S. § 33-1221 allows condominium owners to make improvements or alterations to their unit if the changes do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium. Owners must obtain written permission from the HOA before changing the appearance of the exterior of their unit. Unit owners that acquire an adjoining unit may remove or alter any intervening partition if it does not impair the structural integrity or mechanical systems.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON COMMERCE BILL NO. HB 2513

DATE February 17, 2016 MOTION: ~~DPA~~  
HELD

|                              | PASS | AYE | NAY | PRESENT | ABSENT                   |
|------------------------------|------|-----|-----|---------|--------------------------|
| Mr. Espinoza                 |      |     |     |         |                          |
| Mr. Lawrence                 |      |     |     |         | <input type="checkbox"/> |
| Ms. Mach                     |      |     |     |         |                          |
| Ms. Plumlee                  |      |     |     |         |                          |
| Mr. Rivero                   |      |     |     |         |                          |
| Mr. Shope                    |      |     |     |         |                          |
| Mrs. Norgaard, Vice-Chairman |      |     |     |         |                          |
| Mr. Petersen, Chairman       |      |     |     |         |                          |
|                              |      |     |     |         |                          |

APPROVED:

  
COMMITTEE SECRETARY

WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2646

film and media production; commission

Prime Sponsor: Representative Montenegro, LD 13

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X Committee on Commerce

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2646 describes the makeup and operation of the Arizona Film Commission (Commission).

## PROVISIONS

1. Establishes the members of the Commission as follows:
  - a. The person who is appointed as the State Film Commissioner must be appointed by the Governor.
  - b. Two members who are appointed by a film production association in Arizona.
2. Outlines the duties of the Commission as follows:
  - a. Promote film and media production in Arizona.
  - b. Coordinate with other agencies to assist the film and media production industry in all categories of production.
3. States that the Commission Fund will be created using grants, gifts, contributions and other devices.
4. Mandates that the Commission must be completely self-funded permits fund-raising activities.
5. Specifies that the Commission terminates on July 1, 2019 and repeals on January 1, 2020.
6. States the purpose of the Commission as promoting film and media production in Arizona.

## CURRENT LAW

This is not currently addressed in statute.

## ADDITIONAL INFORMATION

From 2006 to 2010 the state of Arizona conducted motion picture tax incentives but was repealed by Laws 2012, Ch. 170, § 34. There is currently no agency that oversees motion picture production however; many towns in Arizona maintain their own film offices some of which are certified by the Association of Film Commissioners International (AFCI). One film production association in Arizona is the Arizona Production Association (APA) which exists to promote, encourage and advance the growth of the film, theatre and television industries within the State of Arizona. The APA is a non-profit trade organization for Arizona Production Professionals and provides information about locations, local permits and industry news.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COMMERCE \_\_\_\_\_ BILL NO. HB 2646

DATE February 17, 2016 MOTION: ~~DP~~  
HELD

|                              | PASS | AYE | NAY | PRESENT | ABSENT |
|------------------------------|------|-----|-----|---------|--------|
| Mr. Espinoza                 |      |     |     |         |        |
| Mr. Lawrence                 |      |     |     |         |        |
| Ms. Mach                     |      |     |     |         |        |
| Ms. Plumlee                  |      |     |     |         |        |
| Mr. Rivero                   |      |     |     |         |        |
| Mr. Shope                    |      |     |     |         |        |
| Mrs. Norgaard, Vice-Chairman |      |     |     |         |        |
| Mr. Petersen, Chairman       |      |     |     |         |        |
|                              |      |     |     |         |        |

APPROVED:

Heather Couert  
COMMITTEE SECRETARY

\_\_\_\_\_  
WARREN H. PETERSEN, Chairman  
JILL NORGAARD, Vice-Chairman

ATTACHMENT \_\_\_\_\_

**ARIZONA STATE LEGISLATURE**  
Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON COMMERCE

CHAIRMAN: Warren H. Petersen VICE-CHAIRMAN: Jill Norgaard

| DATE                         | 2/17/16  | 2/17/16 | /16 | /16 | /16 |
|------------------------------|----------|---------|-----|-----|-----|
| CONVENED                     | 9:07 AM  | m       | m   | m   | m   |
| RECESSED                     | 11:09 AM | 1:44 PM |     |     |     |
| RECONVENED                   | 11:20 AM | 4:06 PM |     |     |     |
| ADJOURNED                    | -        | 4:29 PM |     |     |     |
| MEMBERS                      |          |         |     |     |     |
| Mr. Espinoza                 | ✓        |         |     |     |     |
| Mr. Lawrence                 | ✓        |         |     |     |     |
| Ms. Mach                     | ✓        |         |     |     |     |
| Ms. Plumlee                  | ✓        |         |     |     |     |
| Mr. Rivero                   | ✓        |         |     |     |     |
| Mr. Shope                    | ✓        |         |     |     |     |
| Mrs. Norgaard, Vice-Chairman | ✓        |         |     |     |     |
| Mr. Petersen, Chairman       | ✓        |         |     |     |     |

√ Present      --- Absent      exc Excused